



# **Division of Human Resource Management (DHRM) Standard Operating Procedures (SOP)**

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## **1. Welcome to HR Standard Operating Procedures**

### **1.1 Purpose**

The purpose of the Division of Human Resources Management (DHRM) Standard Operating Procedures is to provide Virginia Department of Social Services (VDSS) employees with HR procedures inside VDSS.

### **1.2 Overview**

This Guide outlines the background procedures for HR functions inside VDSS.

## **2. Division of Human Resources Management (DHRM) Procedures**

### **2.1 ALCOHOL AND OTHER DRUGS**

#### **2.1.1 Objective**

It is the Virginia Department of Social Services' (VDSS) objective to establish and maintain a work environment free from the adverse effects of alcohol and other drugs. The productivity of this agency's work force could be undermined by the effects of alcohol and other drugs in the workplace. The adverse effects of alcohol and other drugs create a serious threat to the welfare of fellow employees and to Virginia's citizens; therefore, the VDSS adopts the following policy and procedures to address alcohol and other drug problems in the public work force.

#### **2.1.2 Employees to Whom Policy Applies**

This policy applies to all positions whether covered or non-covered under the Virginia Personnel Act, whether full-time or part-time, or paid on a salaried or hourly basis.

#### **2.1.3 Definitions**

##### **2.1.3.1 Alcohol**

Any product defined as such in the Alcohol Beverage Control Act, Section 4.1-100 of the Code of Virginia, as amended.

##### **2.1.3.2 Conviction**

A finding of guilty (including a plea of guilty or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws that govern driving while intoxicated.

##### **2.1.3.3 Criminal Drug Law**

Any criminal law governing the manufacture, distribution, dispensation, use, or possession of any controlled drug.

##### **2.1.3.4 Controlled Drug**

Any substance defined as such in the Drug Control Act, Chapter 34, Title 54.1 of the Code of Virginia, as amended, and whose manufacture, distribution, dispensation, use, or possession is controlled by law.

##### **2.1.3.5 Employee**

Executive Branch employees, whether classified or non-classified, full-time or part-time, or paid on a salaried or on an hourly basis.

#### **2.1.3.6 Management**

The person(s) ultimately responsible for an employee's workplace and performance; e.g., an agency head, a secretarial branch cabinet secretary, the Governor for the Governor's office, or their official designees.

#### **2.1.3.7 Other Drug**

Any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

#### **2.1.3.8 Supervisor**

The person immediately responsible for an employee's workplace and performance.

#### **2.1.3.9 Workplace**

Any state-owned or leased property, or any site where official duties are being performed by state employees.

### **2.1.4 Employee Responsibilities**

#### **2.1.4.1 Abide by Policy**

Employees shall abide by the VDSS' Policy on Alcohol and Other Drugs, and applicable disciplinary policies. (See "[Summary of the Commonwealth of Virginia's Policy on Alcohol and other drugs.](#)")

#### **2.1.4.2 Report Convictions**

Employees must notify their supervisors of any conviction of:

- A criminal drug law, based on conduct occurring in or outside of the workplace; or
- An alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace.
- How Notification Given
- Notification of a conviction must be made in writing and delivered no later than five calendar days after such conviction.
- 

#### **2.1.4.3 Effect Of Appeal Of Conviction**

- An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.

### **2.1.5 Violations**

Each of the following constitutes a violation of this policy:

- The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
- Impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes;
- A criminal conviction for a:
  1. Violation of any criminal drug law, based upon conduct occurring either on or off the workplace; or



2. Violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace.
3. An employee's failure to report to his or her supervisor the employee's conviction of any offense, as required above.

## **2.1.6 Disciplinary Action**

### **2.1.6.1 For Policy Violation(s)**

Any employee who commits any violation, as described in section IV above, shall be subject to the full range of disciplinary actions, including discharge, pursuant to applicable disciplinary policies, such as section "2.17.2 STANDARDS OF CONDUCT."

### **2.1.6.2 Severity of Discipline**

The severity of disciplinary action for violations of this policy shall be determined on a case-by-case basis. Mitigating circumstances that may be considered in determining the appropriate discipline include whether the employee voluntarily admits to and seeks assistance for an alcohol or other drug problem.

## **2.1.7 Management Responsibilities**

### **2.1.7.1 Fair Application of Policy**

- The VDSS is dedicated to assuring fair and equitable application of this policy. Therefore, management is encouraged to use and apply all aspects of this policy in an unbiased and impartial manner.
- Any supervisor who knowingly disregards the requirements of this policy, or who is found to have deliberately misused this policy in regard to subordinates, shall be subject to disciplinary action up to and including discharge.

### **2.1.7.2 Provide Employees with Copy of Summary of Policy or, Upon Request, Copy of Entire Policy**

- Management must provide to every employee a copy of the [Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs](#), or, upon an employee's request, a copy of the entire policy.
- Employees shall be required to sign a form indicating their receipt of either the [Summary](#) or the entire policy. This form shall be kept in the employee's personnel file.

### **2.1.7.3 Post Policy**

- Management shall post a copy of the entire policy in a conspicuous place or places in the workplace.

## **2.1.8 Ongoing Employee Education**

Agencies shall inform employees, on an ongoing basis, of:

- The dangers of alcohol and/or other drug use or abuse in the workplace;
- Available counseling for alcohol and/or other drug use;
- Available rehabilitation and employee assistance programs; and

- The penalties that may be imposed for policy violations, as set forth in section “2.1.6.1 *For Policy Violation(s)*” above.

#### **2.1.8.1 *Appropriate Action When Notified of Violations***

Within 30 calendar days of receiving notice of an employee’s criminal conviction, as specified above, or of any other violation of this policy, management shall:

- Take appropriate disciplinary action against the employee; and/or
- Require the employee to participate satisfactorily in a rehabilitation program if a drug-related conviction is received, or recommend such a program if an alcohol-related conviction is received.
- An employee’s satisfactory participation in a rehabilitation program shall be determined by management after:
  1. The employee’s presentation of adequate documentation (the agency has discretion to determine what documentation will be required); and/or
  2. Consultation with SEAS or with any rehabilitation program, provided that the employee gives his or her consent when the consultation is to be with the rehabilitation program that treated the employee.
  3. Within ten calendar days after receiving notice that an employee covered by the federal Drug Free Workplace Act has been convicted of a criminal drug law violation occurring in the workplace, the agency shall notify any federal contracting or granting agency.

#### **2.1.8.2 *Require Contractor Compliance***

Management shall require contractors working on state agency workplaces to certify that they will not commit violations as described above.

#### **2.1.9 *Rehabilitation programs***

- Employees with problems related to the use of alcohol or other drugs are encouraged to seek counseling or other treatment.

##### **2.1.9.1 *Assistance from Management***

- Management is encouraged to assist employees seeking counseling or other treatment.
- Management should consult with SEAS before referring an employee to a rehabilitation program.

##### **2.1.9.2 *Assistance from SEAS***

- Employees are encouraged to consult with SEAS to determine appropriate rehabilitation programs.
- SEAS or the Department of Human Resource Management’s Health Benefits Office can provide information regarding health insurance coverage for rehabilitation programs. Not all programs are licensed, accredited, or covered under employees’ health insurance coverage.

**2.1.9.3 Assistance from other agencies**

- Employees may contact other agencies, such as the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Health, the Department of Rehabilitative Services, and/or the Department for Rights of Virginians with Disabilities for assistance.

**2.1.9.4 Leaves of Absence to Seek Rehabilitation**

- At the discretion of management, employees may be granted leaves from work to participate in treatment programs for alcohol and/or other drug use problems.
- Employees covered under the Virginia Personnel Act may use their accrued sick leave for treatment programs, as appropriate, according to policy.

**2.1.10 Confidentiality and maintenance of records**

All records and information concerning personnel actions related to this policy shall remain confidential and shall be disclosed only with the employee's permission, or when the agency determines that disclosure is necessary for its efficient operation.

## **2.2 AWARDS FOR LENGTH OF STATE SERVICE**

### **APPLICATION:**

Positions covered under the Virginia Personnel Act to include full-time and part-time classified, restricted, and “776” employees.

### **PURPOSE:**

To provide guidelines for recognizing employees for the length of total Commonwealth of Virginia employment.

### **AUTHORITY, INTERPRETATION AND REVISION:**

This SOP, issued by the Virginia Department of Social Services (VDSS), is an adaptation of [Policy 1.10](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. This SOP supercedes VDSS SOP P-14, dated April 18, 1978. The Director of the VDSS’ Division of Human Resource Management (DHRM), or designee, is responsible for the agency’s interpretation of this SOP and for its revision or rescission.

#### **2.2.1 Definition of state service**

For the purpose of this standard operating procedure, state service is all cumulative periods of full-time and part-time classified state employment and employment in positions exempt from coverage of the Virginia Personnel Act (such as faculty positions and positions in the Legislative and Judicial branches). State service includes periods of approved leave without pay, but does not include wage employment as defined the VDHRM [Policy 2.20](#), Types of Employment.

#### **2.2.2 Requirements for the service award program**

According to VDHRM [Policy 1.10](#), state agencies that established award programs for length of service before May 7, 1978, may continue those programs as exempt from the VDHRM directive of that date and successive policies, so long as they:

- Recognize employees’ length of state service at least annually; and
- Comply with VDHRM policy requirements regarding presentation ceremonies, as described in [Policy 1.10](#), which states that “agencies may determine the manner in which awards for length of service are presented, provided that:
  1. Presentation ceremonies held during work hours are reasonable in duration; and
  2. Expenses incurred for the presentation of awards for length of service are just, reasonable, and necessary according to Department of Account standards.”

VDSS established its state service award program prior to May 7, 1978; therefore, this agency may continue its own program provided it meets the conditions above. The state service award program administration is the responsibility of the VDSS’ DHRM.

#### **2.2.3 State service award items**

YEARS OF SERVICE	SERVICE AWARD ITEMS	ALTERNATE ITEMS
5	Certificate and ceramic mug with state seal	No alternate item
10	Certificate and cast paperweight with state seal or numeral pin with two rubies	Tie tack
15	Certificate and wooden plaque with state seal or emblem pin with three sapphires	Tie tack, tie bar, or necklace
20	Certificate and pen and pencil set with state seal, engraved Jefferson cup, or emblem pin with three emeralds	Tie tack, tie bar, necklace, brooch, or belt buckle
25	Certificate and gold face watch with state seal or emblem pin with two rubies and one diamond	Tie tack, tie bar, necklace, brooch, belt buckle, or charm bracelet
30	Certificate and engraved clock, wooden plaque, or emblem with two sapphires and one diamond	Tie tack, tie bar, necklace, brooch, belt buckle, or charm bracelet
35	Certificate and engraved silver plate bowl with state seal or emblem pin with two emeralds and one diamond	Tie tack, tie bar, necklace, brooch, belt buckle, or charm bracelet
40	Certificate and engraved pewter bowl with state seal or emblem pin with two diamonds and one sapphire	Tie tack, tie bar, necklace, brooch, belt buckle, or charm bracelet
45	Certificate and engraved silver plate tray with state seal or emblem pin with two diamonds and one emerald	Tie tack, tie bar, necklace, brooch, belt buckle, or charm bracelet
50	Certificate with engraved pewter tray with state seal or emblem pin with three diamonds.	Tie bar, necklace, brooch, belt buckle, or charm bracelet

## **2.3 COMPENSATION GUIDELINES**

### **APPLICATION**

Full and part-time classified employees.

### **PURPOSE**

To establish procedures for the agency's pay practices under Compensation Reform.

### **AUTHORITY, INTERPRETATION AND REVISION**

This Standard Operating Procedure (SOP), issued by the Virginia Department of Social Services (VDSS), is an adaptation of compensation information issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Section 2.1-114.5(13) of the Code of Virginia. The Director of the VDSS' Division of Human Resource Management (DHRM), or designee, is responsible for the agency's interpretation of this SOP and for its revision or rescission.

#### **2.3.1 Definitions**

##### **2.3.1.1 Agency Business Need**

One of the thirteen Pay Factors used for pay determination purposes. Agency Business Need describes the specific activities and organizational, financial, and human resource requirements that are derived from the agency's mission.

##### **2.3.1.2 Competitive Salary Offer - Counter Offer Due to Retention**

Competitive salary offers are made to retain employees who are deemed critical to the agency's mission and on-going operations. Offers of this type include countering an offer made by another State agency or from an organization external to the Commonwealth.

##### **2.3.1.3 Disciplinary or Performance-Related Salary Action**

Disciplinary or performance-related salary actions apply to current agency employees and involves downward movement within the same or to a lower pay band, with corresponding reduction in level and type of duties and responsibilities.

##### **2.3.1.4 Employee-Initiated Pay Practices**

These are pay practices that result from an employee applying for a vacant higher, lower or equal position through a competitive selection process, or movement into a lower or equal position through a voluntary non-competitive selection process.

##### **2.3.1.5 In-Band Adjustment**

An In-Band adjustment applies to current agency employees and involves a permanent change in level of duties, or application of new KSA's and competencies, or retention, or internal alignment.

**2.3.1.6 Management-Initiated Pay Practices**

These are pay practices that are specifically designed to provide agency management the flexibility to manage employee compensation based on their agency's unique needs. Pay practices initiated by agency management are non-competitive in nature and allow management to make pay determinations that directly impact an employee's compensation.

**2.3.1.7 Pay Band**

A range that specifies the minimum and maximum compensation rates authorized for specific Roles within each Career Group. Each pay band is uniform in length, with an approximate range of 30.6% difference between the minimum salary in each pay band (with the exception of pay band two and three which has a 19.5% difference).

**2.3.1.8 Promotion**

A promotion applies to current agency employees and those transferring in from another State agency. This pay practice involves a competitive selection process, and results in the employee's movement to a different Role in a higher pay band.

**2.3.1.9 Rate of Pay**

A specific salary within a pay band:

- The salary amount that comprises a rate of pay step amount authorized for full-time employment, with due allowance for holidays and paid leaves of absence.
- The rate of a pay is considered to include compensation of all kinds paid to an employee, except for reimbursement or allowance for official, authorized expenses incurred as a result of the employment, which is not considered compensation.
- Except as otherwise provided in these policies, the total compensation of all kinds and from all sources paid to an employee shall not exceed the salary amount of the employee's rate of pay.

**2.3.1.10 Role Change**

A Role change applies to current agency employees and involves a change in the classification assignment of a position as a result of a gradual change in the duties of the position.

**2.3.1.11 Starting Pay**

Starting pay applies to new employees and rehires.

**2.3.1.12 Temporary Pay**

Additional pay, on a temporary basis, provided to an employee required to perform the duties of a Role in a higher pay band, or the duties of a Role in the same pay band, or for a long-term special project, or for a critical skill.

**2.3.1.13 Voluntary Demotion**

A voluntary demotion applies to current agency employees and those transferring in from another State agency. This pay practice involves movement to a different Role in a lower pay band.

#### **2.3.1.14 Voluntary Transfer - Competitive**

A voluntary transfer - competitive applies to current agency employees and those transferring in from another State agency. This pay practice involves a competitive selection process, and results in the employee's movement within the same Role or to a different Role in the same pay band.

#### **2.3.1.15 Voluntary Transfer - Non Competitive**

A voluntary transfer - non competitive applies to current agency employees. This pay practice results in the employee's movement within the same Role or to a different Role in the same pay band.

#### **2.3.1.16 Pay practice actions**

- General
  1. Employees shall not be paid salaries below the minimum of their assigned pay- band.
  2. Employees' salaries shall not be adjusted, except in accordance with this policy, or upon authorization of the agency Commissioner.
- Adjusting Pay Ranges

Agencies are responsible for monitoring salary data for Roles used and targeting salary increases based on this information. However, if the rate for a particular type of job (e.g. electrician) increases faster than the State's band structure, the agency should contact the VDSS/DHRM to request the establishment of differentials, Career Group revisions or re-banding of a particular Role.
- Employee Initiated Pay Actions
  1. Starting Pay, Promotion, and Voluntary Transfer - Competitive
    - The supervisor/manager consults with VDSS/DHRM prior to completing the agency's [Compensation Decision Worksheet](#) (CDW), and [Personnel Transaction Form](#) (PTF).
    - Once completed, all forms and documentation are sent from the immediate supervisor/manager(s) to the division director for approval. If approved by the division director, all forms are sent to their respective executive management member (EM) for final approval. **NOTE: For Voluntary Transfer - Competitive, all actions of this type that result in a recommendation for salary increase, require approval by the agency Commissioner before forms and documentation may be forwarded to the Budget Office.**
    - The division director forwards the approved action to the agency Budget Office, who then forwards to VDSS/DHRM.
  2. Voluntary Transfer - Non-Competitive
    - The employee completes the Employee Reassignment form and forwards to their immediate supervisor. The immediate supervisor/manager(s) and manager(s) reviews the request with the division director.



- The supervisor/manager(s) consults with their division director to discuss the impact of the request and make a determination on approval or denial.
  - The supervisor/manager(s) consults with VDSS/DHRM prior to completing the [Compensation Decision Worksheet](#) (CDW) and [Personnel Transaction Form](#) (PTF).
  - The division director forwards all forms and documentation to their respective EM for approval. If approved, they forward all forms and documentation to the agency Budget Office. The agency Budget Office then forwards to VDSS/DHRM.
  - If the voluntary transfer results in a decrease to the level of duties and application of lower level of knowledge, skills, and abilities, there is a minimum salary reduction of 5%.
  - If the voluntary transfer results in no change to the level of duties and application of knowledge, skills, and abilities, there is no change in salary.
3. Voluntary Demotion
- The employee requests this action in writing to their immediate supervisor. The immediate supervisor and manager(s) reviews the request with the division director
  - The division director assesses the impact of the request and provides written justification on the approval or denial.
  - The supervisor/manager(s) consults with VDSS/DHRM prior to completing the [Compensation Decision Worksheet](#) (CDW) and [Personnel Transaction Form](#) (PTF). All forms and documentation are sent from the division director to their EM for approval. If approved, they forward the action to the agency Commissioner.
  - If approved by the agency Commissioner, all forms and documentation are forwarded to the agency Budget Office, who then forwards to the VDSS/DHRM.
4. Management Initiated Pay Actions
- Temporary Pay and In-Band Adjustment
- The supervisor/manager(s) consults with the VDSS/DHRM prior to completing the agency's [Compensation Decision Worksheet](#) (CDW) and [Personnel Transaction Form](#) (PTF).
  - All forms and documentation are sent from the immediate supervisor/manager to the division director for approval. If approved by the division director, all forms are sent to their EM for approval, who then forwards the action to the agency Commissioner.
  - If approved by the agency Commissioner, all forms and documentation are forwarded to the agency Budget Office, who then forwards to the VDSS/DHRM.
- Role Change
- The supervisor/manager(s) consults with VDSS/DHRM prior to completing the agency's [Compensation Decision Worksheet](#) (CDW) and [Personnel Transaction Form](#) (PTF).

- All forms and documentation are sent from the immediate supervisor/manager(s) to the division director for approval. If approved by the division director, all forms and documentation are sent to their EM for approval. If approved by the ELT, the forms and documentation are forwarded to the agency Budget Office, who then forwards to the VDSS/DHRM for evaluation. **NOTE: If the role change involves more than one position due to the study of a unit or group of similarly situated positions, actions of this type require approval by the agency Commissioner before forms and documentation may be forwarded to the Budget Office.**
- The agency VDSS/DHRM conducts a job analysis and notifies the manager or supervisor and EM of its findings and recommendations.

Involuntary Demotion (Disciplinary or Performance-Related Salary Actions)

- The supervisor/manager(s) consults with VDSS/DHRM prior to completing the agency's [Compensation Decision Worksheet](#) (CDW) and [Personnel Transaction Form](#) (PTF).
- All forms and documentation must be sent from the immediate supervisor/manager(s) to the division director for approval. If approved by the division director, all forms are sent to their respective EM for approval, who then forwards the action to the agency Commissioner for evaluation and consultation with VDSS/DHRM.
- If approved by the agency Commissioner, all forms and documentation are forwarded the agency Budget Office, who then forwards to the VDSS/DHRM.
- This action requires a minimum salary reduction of 5%. Maximum salary reduction is limited to the minimum of the new pay band if applicable.

Competitive Salary Offer - Counter Offer Due to Retention

- Agency management may initiate competitive salary offers to employees who are deemed critical to the agency's mission and on-going operations when the employee receives a higher salary offer. The employment offer should be in writing and can be from another State agency (***Internal Competitive Salary Offer***) or from an organization external to the Commonwealth (***External Competitive Salary Offer***). For internal competitive salary offers, the other state agency may not make a second offer in response to the employing agency's counter-offer.
- In the case of a written employment offer from another State agency, there can only be one counter offer made by the employee's current agency for a job with a higher salary within the same or higher pay band. The amount of the competitive offer may not exceed the amount of the job offer from the other agency or the maximum salary of the pay band.
- In the case of a written employment offer from an organization external to the Commonwealth the agency may make a counter offer to the employee. The amount of the competitive offer may not exceed the

amount of the job offer from the external organization or the maximum salary of the pay band.

Effect of Pay Action:

- Added to Base Pay: The maximum increase is added to base pay and may not exceed the outside offer or maximum of pay band.
- A lump sum payment: A lump sum payment may be offered, not to exceed 10% of current salary, and requires the employee to repay the agency in the event the employee leaves prior to completing 12 months of active service.

### **2.3.2 *Employment Practices Covered by the Prohibition against employment discrimination***

The prohibition against employment discrimination applies broadly to all aspects of the application process, or the employment relationship, including:

- Hiring, demotion, promotion, layoff, and transfer;
- Application of corrective actions, including disciplinary actions; and
- Compensation and other terms, condition, and privileges of employment.

### **2.3.3 *Appeal Process***

An employee who disagrees with a compensation decision is provided two appeal options. The employee may elect the State Employee Grievance Procedure or the Department's Internal Compensation Decision Appeals Process.

- State Employee Grievance Procedure
  1. The Department of Employment Dispute Resolution (EDR) administers the State Employee Grievance Procedure, under which most work place disputes can be grieved through three successive levels of agency management.
  2. If the grievance is not resolved by agency management, the employee may request a hearing by a Hearings Officer assigned by EDR. Not all grievances qualify for a hearing.
  3. Further information on the Grievance Procedure may be obtained by contacting the Department of Employment Dispute Resolution or the VDSS/DHRM's Employee Relations unit.
- Internal Appeal Process
  1. An employee, who believes that he/she has been adversely affected by a compensation decision, has a right to file an internal complaint with the VDSS/DHRM, Employee Relations unit.
  2. Employee Relations will request information from both the employee and supervisors within the employee's chain of command.
  3. Employee Relations will analyze the information gathered and present the facts to the VDSS/DHRM committee. The committee may request further information or conduct further investigation into the complaint.
  4. The VDSS/DHRM committee will deny or uphold the Appeal.
- Appeal Determination
  1. Appeal Upheld

2. The supervisor (management) may request that the Commissioner review the decision made by the VDSS/DHRM committee.
  3. The decision by the Commissioner will be final.
- Appeal Denied
    1. An Employee Relations representative will explain other avenues of recourse that are available to the employee if the VDSS/DHRM committee denies the appeal.

## **2.4 COMPENSATORY LEAVE**

### **APPLICATION:**

Full-time and part-time classified, and "at will" employees.

### **PURPOSE:**

To provide eligible employees with paid leave as compensation for additional hours worked during specific times.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the Virginia Department of Social Services (VDSS), is an adaptation of [Policy 3.10](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. The Director of the VDHRM is responsible for official interpretation of this policy, in accordance with Section 2.1-114.5 (13) of the Code of Virginia. The Director of the VDSS' Division of Human Resource Management (DHRM), or designee, is responsible for the agency's interpretation of this SOP and for its revision and rescission.

#### **2.4.1 Definitions**

- Exempt Employee  
An employee who is not subject to the overtime provisions of the Fair Labor Standards Act.
- Non-Exempt Employee  
An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

#### **2.4.2 Purpose of compensatory leave**

1. Why Compensatory Leave  
Compensatory leave is paid time off for an eligible employee having worked additional hours in a workweek; having worked on an official office closing day, a holiday, or a scheduled day off; or when a holiday falls on an employee's scheduled day off.
2. Use of Compensatory Leave  
Accrued compensatory leave may be used to provide paid time off from work for any purpose.

#### **2.4.3 Accrual of compensatory leave**

1. Rate of Accrual  
Eligible employees earn compensatory leave on an hour-for-hour basis. Accordingly, an employee may earn one hour of compensatory leave for each hour that he/she is required to work for the reasons cited in Section 2.4.2 above.
2. Duration of accrued compensatory leave  
Accrued compensatory leave lapses within 12 months from the date it is earned. Thus, once lapsed, accrued compensatory leave may not be used or paid off upon an employee's change of status.

3. Exception to Duration for Certain Positions as a Retention Incentive

An agency may extend indefinitely the time employees have to use earned compensatory leave when the employees hold positions that have been identified by the agency as positions that are critical to the agency's mission and for which the agency has significant difficulty retaining qualified employees. (See [Policy 3.05, Compensation](#), VDHRM Policy Manual.)

- When an employee is transferred, promoted or demoted to a position that does not have the same designation, the employee's compensatory leave balances that were extended will lapse 12 months from the date of the status change, if they are not used before that date.
- However, when an employee is transferred, promoted or demoted to a position that does not have the same designation, the agency may authorize payment for any compensatory balances that were extended but not used prior to the status change.

**2.4.4 How compensatory leave is credited for non-exempt employees**

1. Eligibility to Receive Compensatory Leave

A non-exempt employee is eligible to earn compensatory leave only when the hours worked in a workweek are 40 hours or less. If a nonexempt employee works more than 40 hours, the Overtime Leave Policy ([Policy 3.15](#), VDHRM Policy Manual) applies.

EXAMPLE: A non-exempt employee who works ten hours on Monday, calls in sick on Tuesday, and works eight hours on Wednesday, Thursday, and Friday will receive two hours of compensatory leave for the extra hours worked on Monday, rather than overtime leave, because the employee did not actually work over 40 hours during the workweek.

2. Required by Management

To earn compensatory leave, a non-exempt employee must be required by the agency head or his/her designee to work:

- additional hours in a workweek in which the employee has taken a holiday or leave, but has worked no more than 40 hours;
- on an official office closing day if he or she is designated as an "essential employee";
- on a holiday; or
- on a scheduled day off.

NOTE: Non-exempt employees also will be credited with compensatory leave when a holiday falls on a scheduled rest day.

**2.4.5 How compensatory leave is credited for exempt employees**

1. Exempt Employee Will Receive Compensatory Leave

An exempt employee will earn compensatory leave when required by the agency head or his/her designee to work:

- on an official office closing day if he or she is designated as an "essential employee"; or
- on a holiday.

NOTE: Exempt employees will be credited with compensatory leave when a holiday falls on a scheduled rest day.

2. Other Times for Earning Compensatory Leave  
Other times that an exempt employee will be awarded compensatory time will be rare. However, when an employee is required to work beyond his/her normal hours in connection with General Assembly assignments, he/she would be awarded compensatory time. Other times would only be at the designation of the Commissioner as determined by the Human Resource Director Senior.
3. Meaning of "Required to Work"
  - The requirement to work additional hours must be specifically authorized by the agency head or his/her designee. General or "blanket authorizations" for an exempt employee to work beyond his/her regularly scheduled hours shall not be the basis for earning compensatory leave.
  - Additional work hours are intended only to relieve specific peak workload needs and shall not be authorized to provide for continuous workload requirements.
  - Additional work hours do not include extra hours that an exempt employee independently determines is necessary to carry out his/her job responsibilities.

#### **2.4.6 Compensatory leave must be authorized**

An employee must have agency approval before earning compensatory leave.

1. In Writing  
Compensatory leave must be authorized in writing by the agency head or his/her designee.
2. In Advance  
Compensatory leave should be authorized before the employee works the hours that result in compensatory leave. However, if emergency conditions exist which make it impossible to authorize compensatory leave before it is earned, written authorization should be prepared as soon as possible, thereafter.

#### **2.4.7 Treatment of compensatory leave upon change of status**

1. Payment When Leaving State Service
  - Full lump sum payment  
An employee shall be paid in a lump sum for his/her accrued compensatory leave when the employee:
    - (1) leaves state service by resignation, retirement, layoff, termination, death; or
    - (2) is transferred, promoted, or demoted from one state agency to another.
  - (3) Payment upon employee's death  
Payment upon an employee's death shall be made to the Administrator or the Executor/Executrix. If there is no Administrator or Executor of the employee's estate, payment shall go to the surviving spouse, or if none, to the next of kin in accordance with Section 64.1-123 of the Code of Virginia. Payment may be held for 60 days.
2. Partial Payment When Changing From Full-Time to Part-Time Classified

- An employee who changes from full-time to part-time employment for a period greater than three months shall be paid in a lump sum for the portion of his/her accrued compensatory leave that is proportionate to the reduction in the employee's hours.

EXAMPLE: An employee who worked 40 hours during full-time employment changes to a part-time schedule working 20 hours, or half the former schedule. The employee receives a lump sum payment of half of the maximum amount of the accrued compensatory leave.

If an employee changes from full-time to part-time for less than three months, the employee cannot use the portion of his/her accrued leave that is proportionate to the number of hours that the employee is no longer working per week, until the employee resumes full time employment.

EXAMPLE: The same employee described in the example above may use only half of his/her accrued leave while working part-time, but may use the full amount when the employee returns to full-time employment.

3. Payment Optional When Other Changes in Status  
Agencies may allow employees to retain their accrued compensatory leave, or such leave may be paid in a lump sum when employees are:
  - placed on voluntary leave without pay (not layoff) for at least three months; or
  - transferred from a covered to a non-covered position.
4. Retention of Accrued Compensatory Leave  
When an employee is transferred, promoted, or demoted to another classified position within the same agency, the employee will retain his/her accrued compensatory leave.
5. Use of Accrued Compensatory Leave When on Military Leave Without Pay  
An employee on military leave without pay may use his/her accrued compensatory leave to cover periods of unpaid absence for military duty.



## **2.5 CRIMINAL HISTORY CHECKS**

### **APPLICATION:**

Any employee, including classified, wage (P-14), volunteer, or contract, who occupies/will occupy a sensitive position at the Virginia Department of Social Services (VDSS).

### **PURPOSE:**

To provide guidelines for conducting a criminal history check on any individual who occupies/will occupy a sensitive position on a classified, wage (P-14), volunteer, or contractual basis within VDSS. The check is conducted in order to:

- Protect the citizens of Virginia served by VDSS; and
- Enable VDSS to employ individuals whose background provides a reasonable indication of their ability to be entrusted to perform tasks of a confidential and sensitive nature.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the VDSS is in compliance with the Code of Virginia. The Director of the VDSS' Division of Human Resource Management (DHRM) or designee is responsible for the agency's interpretation of this SOP and for its revision or rescission.

#### **2.5.1 Confidentiality**

All action taken and all information obtained relevant to a criminal history check shall be confidential among any staff involved in the performance of a criminal history check or the utilization of information obtained from this type of check. Any breach of confidentiality may result in corrective action being taken. Such action may range from an informal action such as counseling to formal disciplinary action such as the issuance of a Written Notice and/or termination of employment.

#### **2.5.2 Responsibility for conducting criminal history checks**

It shall be the responsibility of the VDSS' DHRM to implement and oversee a lawful criminal history check process. As an agent for the Commissioner and the Human Resource Director, the Employee Relations Manager shall ensure that each criminal history check is conducted promptly and thoroughly in accordance with established procedure.

#### **2.5.3 Responsibility for conducting other types of checks**

Other checks such as reference checks, confirmation of education, and verification of work experience shall be the responsibility of the hiring authority. In order to avoid a delay in the employment process, the hiring authority or designee may conduct these types of checks while the Employee Relations Manager or designee is conducting the criminal history check.

## **2.5.4 Identification of VDSS positions for which criminal history checks of potential/current employees will be required**

### **2.5.4.1 Identification Responsibility**

Each division and regional director or designee shall identify the classified, wage, volunteer, and contract positions for which a criminal history check needs to be conducted. The identification process shall involve a careful assessment of the sensitive nature of each position. Positions identified as warranting a criminal history check shall include those with responsibilities such as:

- Accessing Highly Sensitive Information;
- Handling Money;
- Purchasing;
- Managing Sensitive Records;
- Information Systems;
- Investigations; and/or
- Grant and Contract Management.

### **2.5.5 Submission of Criminal History Check Position Identification List**

Each September, all division and regional directors shall submit a completed Criminal History Check Position Identification List to the VDSS DHRM, Bureau of Employee Relations.

### **2.5.6 Review and approval of the Criminal History Check Position Identification List**

After ascertaining that all required information has been provided, the Employee Relations Manager shall forward the list of VDSS sensitive positions to the Human Resource Director for review and approval. Upon completion of review, the list then shall be forwarded to the Commissioner for final review and approval.

### **2.5.7 Posting of criminal history check requirement**

When submitting a [Request to Advertise Position Form](#) to the VDSS DHRM, the hiring authority shall indicate on the request that a [Criminal History Background Check Form](#) is required.

It shall be the responsibility of the VDSS DHRM to state specifically the criminal history check requirement in any employment advertisement for a position that has been identified as sensitive. This shall include any Recruitment Announcement, RECRUIT posting, classified newspaper advertisement, and other advertisements in print and electronic publications such as trade journals, newsletters, and the Internet. The following statement shall be used: “*Employment* is contingent upon the outcome of background and criminal history checks.”

### **2.5.8 Consent to perform criminal history check**

#### **2.5.8.1 Acceptable Forms of Consent**

Both potential and current VDSS applicants who are being considered as final candidates for employment in a sensitive position must provide written consent to a criminal history check. Any applicant who fails or refuses to provide consent shall be notified by the hiring authority that he/she will no longer be considered for employment. Acceptable forms of consent are:

- Signing and dating below the paragraph in Item 14, Certification, of the State “Application for Employment;” or
- Providing, by hand delivery, mail, E-mail, or fax, a signed statement of consent. Specifically, the statement should read, *“I understand that all information on my Application for Employment is subject to verification, and I consent to a criminal history check.”*

#### **2.5.9 Criminal history check procedure**

##### **2.5.9.1 First step: Hiring Authority**

When the hiring authority has selected the top applicant, the hiring authority shall submit the selection documentation ([Criminal History Background Check Form](#)) to the division or regional director for review and approval. ***At this step, the hiring authority may not notify the final candidate that they are being recommended for employment.***

##### **2.5.9.2 Second Step: Division or Regional Director**

Upon receipt of the selection documentation from the hiring authority, the division or regional director shall review and approve the hiring authority’s selection recommendation. If the division director or designee concurs with the hiring authority’s selection recommendation, then they shall forward the selection documentation to the assigned Team Manager in the VDSS DHRM. ***At this step, neither the hiring authority nor the division or regional director should notify the final candidate that they are being recommended for employment.***

##### **2.5.9.3 Third Step: Team Manager and, If Necessary, the Hiring Authority**

Upon receipt of the selection documentation from the division or regional director, the assigned Team Manager shall review and approve the selection documentation. At that time, the selection documentation should be referred to Employee Relations to initiate the criminal history check.

- If the criminal history check does not reveal any criminal activity, then the Employee Relations Manager shall forward the selection packet to the leader of the DHRM team that services the hiring authority.
- If the criminal history check reveals criminal activity, then the Employee Relations Manager shall consult with the hiring authority or designee. ***A negative background may not necessarily preclude employment. The relevance of the collected information shall be considered and a decision made as to the suitability of the applicant for employment in a particular position.***

1. If the decision is that the applicant's criminal activity is not relevant to the duties and responsibilities of the position for which they are being considered, then the Employee Relations Manager shall forward the selection packet to the DHRM team that services the hiring authority.
2. If the Employee Relations Manager and the hiring authority determine that the applicant's criminal activity could possibly have a negative impact upon the performance of the duties and responsibilities of the position for which he/she is being considered, the applicant shall be afforded an opportunity to refute or explain the information used as the basis for the Employee Relations and hiring authority's decision.
  - The hiring authority shall send written notification to the applicant. The criminal activity must be stated along with a statement regarding the potential impact of such previous activity on job performance.
  - The hiring authority shall inform the applicant that they must respond in writing to the hiring authority within ten business days of the date of the notification. ***Any information received after the tenth business day will not be considered, and the hiring authority may pursue the employment of another applicant.***
  - If the applicant responds within ten business days, the hiring authority shall consult with the Employee Relations Manager. After reviewing the information provided by the applicant, a final decision shall be made regarding the applicant's suitability for employment in a particular position.
    1. If the second review results in approval, the Employee Relations Manager shall forward the selection packet to the DHRM team that services the hiring authority.
    2. If the second review results in a decision that the applicant should not be offered the position, the Employee Relations Manager shall notify the hiring authority to inform the applicant in writing that he/she will no longer be eligible for employment consideration.

**2.5.9.4 Fourth Step (only when necessary for resolution): Human Resource Director**

If the Employee Relations Manager and the hiring authority disagree on the relevancy and impact of an applicant's criminal history in regard to employment suitability for a particular position, the Human Resource Director shall review the criminal history check documentation, and then render a decision. Both the Employee Relations Manager and the hiring authority shall be notified in writing of the decision.

- If the Human Resource Director's (and, if necessary, Commissioner's) review results in approval, the Employee Relations Manager then shall forward the selection packet to the DHRM team that services the hiring authority.
- If the Human Resource Director review results in a decision that the applicant should not be offered the position, the hiring authority shall notify the applicant in writing that he/she will no longer be eligible for employment consideration for the particular position.

**2.5.9.5 Fifth Step (only when necessary for resolution): Commissioner**

If the Human Resource Director and the hiring authority disagree on the relevancy and impact of an applicant's criminal history in regard to employment suitability for a particular position, the hiring authority may appeal to the Commissioner. At the Commissioner's discretion, the Commissioner may or may not grant the review. If the Commissioner elects to review the criminal history check documentation, the Commissioner shall render a decision in writing to the Human Resource Director, the Employee Relations Manager, and the hiring authority.

- If the Commissioner's review results in approval, the Employee Relations Manager then shall forward the selection packet to the DHRM team that services the hiring authority.
- If the Commissioner's review results in a decision that the applicant should not be offered the position, the hiring authority shall notify the applicant in writing that he/she will no longer be eligible for employment consideration for the particular position.

**2.5.9.6 Fifth Step: Team Leader**

Upon receipt of an approved selection packet from the Employee Relations Manager, the team leader or designee will then proceed with the employment process. ***It is at this step, upon receipt of notification of approval to hire from the team leader or designee, that the hiring authority may offer the position.***

**2.5.10 Special condition applicable when a criminal history check is being conducted on a current employee**

If a current employee, on whom no criminal history check has been performed previously by VDSS, applies for a sensitive position for which a criminal history check is required, the employee, like all other applicants for the position, must consent to a criminal history check in order to be considered for the new position. If the check reveals past criminal activity, the Employee Relations Director shall consult with the Human Resource Director, who shall be responsible for determining what action will be taken in regard to the employee's employment eligibility, both in his/her current position and in the one for which application is being made. If the criminal activity does not preclude employment of the applicant, then the employee may retain his/her current position and be considered for the new one.

## **2.6 EQUAL EMPLOYMENT OPPORTUNITY**

### **APPLICATION:**

Positions covered under the Virginia Personnel Act to include full-time and part-time classified, restricted, and “776” employees, and also, where appropriate, wage employees.

### **PURPOSE:**

To provide equal employment opportunity to employees and applicants for employment. The Virginia Department of Social Services (VDSS), by policy and preference and in adherence to Executive Order No. 2 (98), reaffirms its continuing commitment to afford all applicants who have necessary qualifications an equal opportunity to compete for employment with the Department. Further, equal employment opportunity shall be afforded all employees in regard to recruitment, selection, promotion, compensation, benefits, transfer, demotion, termination, and training. There shall be no employment discrimination and/or preferential treatment favoring any individual or group because of race, sex, color, national origin, religion, age, political affiliation, or disability. This policy prohibits the lowering of qualification standards to give preference to any applicant. The VDSS is an Equal Opportunity/Affirmative Action Employer.

The Department prohibits harassment. Offensive workplace behavior that does not violate this policy should be addressed by the appropriate manager/supervisor. However, if issues cannot be resolved, they may be presented to the human resource generalist team representative that responds to human resource issues for the division in which the employee works. The employee will be counseled regarding courses of action available. A sincere effort will be made to resolve the complaint by members of the Employee Relations staff. While avenues of redress are available through the U. S. Equal Employment Opportunity Commission, the State Discrimination Complaint Procedure, and the State Grievance Procedure, employees are encouraged to contact their human resource generalist team representative assigned to their division for resolution of complaints prior to using other avenues.

Every employee is expected to support the department’s policy of non-discrimination and equal employment opportunity within his/her assigned area of responsibility. Appropriate corrective action, to include the Standards of Conduct and Performance, may be taken against any employee who violates this policy.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the VDSS, is an adaptation of [Policy 2.05](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. The Director of VDSS’ Division of Human Resource Management (DHRM), or designee, is responsible for the agency’s interpretation of this SOP and for its revision or rescission.

#### **2.6.1 Substantive provisions of the governor’s executive order on equal employment opportunity**

#### **2.6.1.1 Prohibition Against Discrimination**

The Governor's Executive Order on Equal Employment Opportunity prohibits discriminatory employment practices. Employment discrimination on the basis of race, sex, color, national origin, religion, age, or political affiliation, or against otherwise qualified persons with disabilities, is specifically prohibited. In addition, the lowering of *bona fide* job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment is not permitted or required.

#### **2.6.1.2 Procedures for Alleging Violations of The Executive Order**

- VDSS employees and applicants for employment may file allegations of violations of the Executive Order with VDHRM's Office of Equal Employment Services.
- VDSS executives, managers, and supervisors shall take no retaliatory action against any person making allegations of violations of the Executive Order.

#### **2.6.2 Employment practices covered by the prohibition against employment discrimination**

The prohibition against employment discrimination applies broadly to all aspects of the application process and/or the employment relationship, including hiring, demotion, promotion, layoff, and transfer; applications of corrective actions, including disciplinary actions; and compensation and other terms, conditions, and privileges of employment.

#### **2.6.3 Implementation of the executive order number two**

All employees are responsible for complying with the prohibition against workplace discrimination. Additionally, VDHRM's Office of Equal Employment Services (EES), state agencies, including VDSS, and Cabinet Secretariats, including the Office of the Secretary of Health and Human Resources, are responsible for ensuring compliance with the Executive Order.

##### **2.6.3.1 Responsibilities of VDSS Include:**

- VDSS is required to have an equal employment opportunity policy statement.
- VDSS shall ensure that all employees are informed of the Executive Order and the Department's equal employment opportunity statement.
- VDSS shall ensure that equal employment opportunity policies and procedures are discussed with managers, including how they should assist in their implementation.
  1. The Commissioner, managers, and supervisors will be held individually responsible for the Department's equal employment opportunity practices. They shall ensure consistent application of this policy.
  2. Positive action and demonstrable progress towards ensuring equal opportunity practices shall be considered in the evaluation of each manager's job performance when he/she has been involved in hiring staff during the year.

##### **2.6.3.2 Responsibility of Secretary of Health and Human Services**

The Secretary of Health and Human Resources shall monitor and support VDSS efforts toward compliance with the Executive Order.

## 2.7 EMERGENCY OFFICE CLOSINGS

### APPLICATION:

All classified employees.

### PURPOSE:

To provide guidelines for compensating Virginia Department of Social Services' (VDSS) classified employees for absences during emergency closings of agency operations.

### AUTHORITY, INTERPRETATION AND REVISION:

This SOP, issued by the VDSS, is an adaptation of [Policy 1.35](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. This SOP supercedes VDSS SOP P-6, Inclement Weather, and dated August 15, 1980. The Director of the VDSS' Division of Human Resource Management (DHRM), or designee, is responsible for the agency's interpretation of this SOP and for its revision or rescission.

#### 2.7.1 *Emergency conditions*

Emergency conditions are circumstances that require authorized emergency closings. These conditions may include inclement weather, utility failure, fire, or other forced evacuations from the agency or work site.

#### 2.7.2 *Determination of an authorized emergency closing*

VDSS operations may be closed for specific periods of time when the appropriate authority deems it necessary. Closings, whether for an entire or partial shift, will be handled as follows.

##### 2.7.2.1 *Closings of State Administrative Agencies, Including VDSS, In the Richmond Area*

- Closings During Daytime Hours at Richmond Area Sites  
The Governor or his/her designee shall make emergency closing decisions about the daytime operating hours of state administrative agencies, including VDSS, in the Richmond area, which is defined as the City of Richmond and the Counties of Chesterfield, Hanover and Henrico. The VDHRM, formerly the Virginia Department of Personnel and Training, will announce the Governor's decisions through television and radio stations. The stations to be used will be identified annually in the October/November issue of VDHRM's employee newsletter.

The Commissioner or designee shall make closing decisions when emergency conditions affect **ONLY** VDSS sites within the Richmond area. When circumstances warrant an emergency closing during daytime hours, the Commissioner or designee shall notify management of each affected VDSS office, and the manager or designee shall then promptly inform staff of the emergency closing either directly or through public announcements via local radio and television stations.



- **Closings During Other Than Daytime Hours at VDSS Sites in the Richmond Area That Operate 24 Hours Per Day**  
The Commissioner or designee shall make emergency closing decisions for agency operations occurring outside of normal daytime hours at any VDSS site within the Richmond area. When circumstances warrant an emergency closing during non-daytime hours, the Commissioner or designee shall notify management of each affected VDSS office, and the manager or designee then shall promptly inform staff of the emergency closing either directly or through public announcements via local radio and television stations.

### **2.7.3 Closings at VDSS Sites Outside of the Richmond Area**

- **Closings During Daytime Hours at VDSS Sites Outside of the Richmond Area**  
The Commissioner or designee shall make closing decisions when emergency conditions affect non-Richmond area VDSS sites during both daytime hours and during other than daytime hours at sites that operate 24 hours per day. A non-Richmond area site is defined as any site except those in the City of Richmond and the Counties of Chesterfield, Hanover, and Henrico. When circumstances warrant an emergency closing during daytime hours, the Commissioner or designee shall notify management of each affected VDSS office, and the manager or designee then shall promptly inform staff of the emergency closing either directly or through public announcements via local radio and television stations.
- **Closings During Other Than Daytime Hours at VDSS Sites Outside of the Richmond Area That Operate 24 Hours Per Day**  
The Commissioner or designee shall make closing decisions when emergency conditions affect non-Richmond area VDSS sites that operate 24 hours per day. When circumstances warrant an emergency closing during non-daytime hours, the Commissioner or designee shall notify management of each affected VDSS office, and the manager or designee then shall promptly inform staff of the emergency closing either directly or through public announcements via local radio and television stations.

### **2.7.4 Designated employees**

#### **2.7.4.1 Requirements of Designated Employees**

- Designated employees are exempt and non-exempt employees who are required to work during an emergency closing because their positions have been designated as essential to agency operations during emergencies.
- Designated employees may be required to work during times when they are not regularly scheduled to work.
- Employees may be designated as essential for one emergency situation but not necessarily for another. For example, certain employees may be designated as essential to VDSS operations during inclement weather situations while different employees may be designated essential during heating or electrical problems.

#### **2.7.4.2 *Emergency Closings Designated Employees Report***

Each September, all division and regional directors shall submit a completed Emergency Office Closings - Designated Employees Report to the VDSS/DHRM, Bureau of Employee Relations. This report shall contain the names, work and home telephone numbers of all employees deemed essential. The home telephone number is necessary since emergencies may occur outside of normal work hours. In addition, the directors shall indicate for which types of emergencies the employee will be considered as essential.

- **Compensation of a Designated Employee**  
Each designated employee, exempt and non-exempt, is granted compensatory time for hours worked during authorized emergency closings up to the maximum number of hours his/her normal work shifts. This compensatory time is granted whether or not the emergency closing occurs during the designated employee's regularly scheduled shift and whether or not the emergency closing is for an entire or partial work shift.

All hours in a workweek, including hours worked during an emergency closing, will be counted for purposes of determining if overtime pay is warranted for non-exempt employees.

- **Failure to Report**  
A designated employee's failure to report can result in disciplinary action under the Standards of Conduct Policy, and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.

**EXCEPTION:** When road conditions and transportation difficulties cause a designated employee to arrive late, the agency head, division/regional director, or designee may determine that the conditions and difficulties justified the tardiness. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay, and no disciplinary action shall be taken.

- **Pre-Approved Leave with Pay**  
Pre-approved leave is leave that is approved before it is taken. When a designated or non-designated employee is on pre-approved leave with pay during an emergency closing, his/her hours of leave will be charged to the emergency closing, and not to his/her leave balances.

If a designated employee is on short-term disability under the Virginia Sickness and Disability Program during an emergency closing, the employee will be considered non-designated during the disability period. The employee will continue to receive their percentage of compensation based on benefits provided under VSDP.

- **Begin Date**

When a designated employee is scheduled to begin work on an emergency closing day, the employee is expected to work that day. If the employee does not, the effective employment date will be the first day actually worked.

- **Resignation/Separation Date**  
If the last day a designated employee is to work before separation is an emergency closing day, the employee is expected to work. If the Employee does not work, the effective separation date will be the last day actually worked. (Refer to section “2.21 TERMINATION/SEPARATION FROM SERVICE.”)

## **2.7.5 Non-designated employees**

Non-designated employees are those employees who are not required to work during an emergency closing because their positions have not been designated as essential during emergency conditions.

### **2.7.5.1 Full-shift Closing Compensation**

- **Compensation of a Non-Designated Employee**  
A non-designated employee will be paid for hours that he/she was scheduled to work during an emergency closing if he/she worked the day before and the day after the emergency closing or took paid leave the day before and the day after the emergency closing.
- **Begin Date**  
When a non-designated employee is scheduled to begin work on an emergency closing day, the employee will receive pay for that day if the employee works the entire day following the emergency closing. For health insurance purposes, if the employee begins work on the first workday after an emergency closing that occurred on the first workday of the month, their coverage will be effective for the month.
- **Resignation/Separation Date**  
When an emergency closing for an entire shift occurs on a non-designated employee's resignation day, the non-designated employee will be paid for that day if the employee worked or was on paid leave the day before the emergency closing.
- **Alternate Work Schedule**  
The Commissioner has the discretion to determine whether a non-designated employee on an alternate work schedule who was scheduled to work *more than eight hours* on an emergency closing day will be paid for the eight hours of emergency closing or for the scheduled hours.

When a non-designated employee on an alternate work schedule is scheduled to work *less than eight hours* on an eight-hour, emergency closing day, the employee will be paid for hours actually scheduled.

### **2.7.5.2 Partial-Shift Closing Compensation**

- **Compensation of a Non-Designated Employee**

1. A non-designated employee will be paid for hours that the employee was scheduled to work during an emergency closing if the employee worked or took paid leave the day before and the day after the emergency closing.
  2. Any scheduled hours not worked by a non-designated employee while the agency was open must be charged to personal leave or leave without pay.
  3. When road conditions and transportation difficulties cause a non-designated employee to arrive late, the Commissioner or designee may determine that the tardiness was justified. In such cases, the lost time will not be charged to the employee's leave balances.
- **Failure to Hear Closing Announcement**  
When a non-designated employee reports to work as usual because the employee has not heard an emergency closing announcement, the employee shall be paid the regular rate of pay for the time worked, but shall not be credited with compensatory leave for any time worked during the emergency closing. However, if the Commissioner or designee determines that circumstances warrant that an employee receives compensatory leave, it may be granted.

## **2.8 HARASSMENT**

### **OBJECTIVE:**

It is the Department of Social Services' (VDSS) objective to provide a work environment conducive to the performance of job duties and free from intimidation or coercion in any form. The Governor's Executive Order on Equal Employment Opportunity sets forth the Commonwealth's dedication to upholding a stringent policy against all forms of discrimination. Harassment of any type as defined herein, is a form of discrimination and is prohibited.

### **APPLICATION:**

This policy applies to all positions covered under the Virginia Personnel Act to include full-time and part-time classified, restricted, and "776" employees. This policy also applies to applicants for employment, excepted employees, and to wage employees.

### **AUTHORITY AND INTERPRETATION:**

This SOP, issued by VDSS is pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. The Director of VDSS' Division of Human Resource Management (DHRM), or designee, is responsible for the agency's interpretation of this SOP.

#### **2.8.1 Definition of harassment**

- Harassment is a prohibited employment practice that could subject VDSS to financial liability.
- As defined in guidelines published by the U.S. Equal Employment Opportunity Commission, harassment includes sexual advances, requests for sexual favors, and other discrimination based on gender, sexual orientation, age, weight or harassment in any form.
  1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
  2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; and/or
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

#### **2.8.2 Penalties for engaging in harassment**

Any employee who engages in conduct determined to be harassment, or who encourages such conduct by others, shall be subject to corrective action, which may include discharge from state service.

### **2.8.3 Reporting allegations of harassment**

#### **2.8.3.1 Employees and Applicants for State Positions Are Encouraged To Report Incidents Regarding Alleged Harassment**

The VDSS encourages employees and applicants for employment within the Department to report incidents involving alleged harassment to the DHRM Director, the Commissioner, their supervisors, or other individuals designated to receive such reports, except that in no instance should an employee or applicant alleging harassment be required to report such allegation to the alleged harasser.

#### **2.8.3.2 State Procedures for Employees and Applicants for Employment To Address Harassment**

Employees and applicants for employment seeking to redress harassment may follow the State Employees' Discrimination Complaint Procedure, which is administered by the Department of Human Resource Management's Office of Equal Employment Services.

#### **2.8.3.3 Additional State Procedures for Employees to Address Harassment**

Eligible employees may use the Grievance Procedure for State Employees, which is administered by the Department of Employee Relations Counselors, to redress harassment.

#### **2.8.3.4 Federal Procedure for Addressing Harassment**

Employees (and applicants for State employment) seeking to redress harassment also may file a complaint with the United States Equal Employment Opportunity Commission.

### **2.8.4 Management responsibilities for handling harassment**

Managers and supervisors of the VDSS have a duty to investigate allegations of harassment and take immediate and appropriate corrective action. In addition, the following procedures are also available to the Department's employees.

#### **2.8.4.1 Reporting Complaint or Allegation**

Complaints or allegations of harassment should be immediately reported to the Employee Relations Unit.

#### **2.8.4.2 Solicitation of Information**

Detailed information will be solicited from the complainant to include any documentation and/or witnesses.

#### **2.8.4.3 Counseling and Other Avenues Available**

The complainant will be counseled regarding courses of action available. While avenues of redress are available through the U. S. Equal Employment Opportunity Commission, the State Discrimination Complaint Procedure, and the State Grievance Procedure, employees are encouraged to attempt to resolve any harassment difficulties within the Department prior to following other courses of action.

**2.8.4.4 *Investigation of Complaint***

The complaint will be fully investigated fully by the appropriate supervisor in the management chain.

In cases where the investigation reveals that, in any form, harassment may have occurred, the investigation results will be forwarded to the Director who will determine the action to be taken against the individual(s) responsible. In no case shall anyone accused of harassment be involved in the Investigation or decision-making process related to that charge.

## 2.9 HOURS OF WORK

### PURPOSE:

This procedure provides guidance for divisions and offices within the Virginia Department of Social Services (VDSS) to schedule reasonable and flexible work hours for employees as well as to provide convenient and consistent hours for citizens to transact business with the Agency.

### 2.9.1 Definitions

1. **Alternate Work Schedule**  
Schedules that differ from the standard 40-hour workweek schedule. Alternate work schedules may include, but are not limited to, four 10-hour days; four 9-hour days, followed by one 4-hour day; and rotational shifts.
2. **Types of Employee Status**
  - (F) Full-time salaried (classified) employees  
work the equivalent of 40 hours per week for 12 months per year.
  - (P) Part-time salaried (classified) employees  
work 20 – 31.9 hours per week for 12 months per year.
3. **Flexible Work Hours**  
Hours which deviate from the traditional starting and ending time of 8:15 a.m. to 5:00 p.m. with a 45 minute lunch period, but result in the employee working a forty-hour workweek.
4. **Job Sharing**  
A situation where two employees are assigned to the same position number, in the same work unit, are assigned the same type of work, and collectively work no more than a forty-hour workweek.
5. **Public Service Hours**  
The normal public service hours for all operating segments of this Agency are usually from 8:30 a.m. to 4:30 p.m., which consist of at least eight hours per workday.
6. **Standard Workweek**  
The regular workweek for full-time positions consists of a five-day, 40-hour per week schedule for every seven calendar-day period. The Agency's standard workweek begins on Sunday at 12:01 a.m. and ends Saturday midnight.
7. **Work Schedule**  
The employee's regularly scheduled hours of work in the central workplace and/or in work locations (See Agency Standard Operating Procedure (SOP) section "2.18 TELECOMMUTING.")

### 2.9.2 General provisions

1. **Management**  
Management reserves the right to:
  - Establish and adjust the work schedules of employees in the Agency, being mindful of the hours of public service need.Management is required to:



- Comply with the Fair Labor Standards Act, and ensure non-exempt employees document hours worked to include the lunch period.

Management should:

- Limit overtime assignments to situations where it is necessary.

2. Employees

Employees are expected to:

- Adhere to their assigned work schedules,
- Take breaks and lunch periods as authorized,
- Notify management as soon as possible if they are unable to adhere to their schedules, such as late arrivals or early departures, and
- Work overtime hours as required by management.

### 2.9.3 Work Schedules

1. Adjustments to Schedules

Management can adjust an employee's work schedule temporarily within a workweek to avoid overtime liability or to meet operational needs. At management's discretion, employees' schedules can be adjusted to meet the employees' personal needs.

#### Substituting Work Hours for Leave

An employee taking approved annual or sick leave during the week may also be asked to work additional hours during the same week. With the approval of the employee, the agency may substitute the additional hours worked for the hours of leave, thus reducing or eliminating the need for the employee to use leave.

**NOTE:** *It is not acceptable for management to substitute compensatory leave for sick or annual leave without the employee's permission.*

2. Lunch Periods and Breaks

Supervisors or managers are responsible for scheduling lunch periods and/or breaks as described below:

- **Mandatory Lunch Period**

Employees who work at least six consecutive hours shall be afforded a lunch period (meal break) of at least 30 minutes except in situations where shift coverage precludes such lunch breaks.

Employees who work a second consecutive shift shall be afforded a meal break after working four hours during the second shift.

The lunch period shall not be included in the count of hours worked per day, except when the agency head or designee has designated the lunch break as part of the work schedule. When employees are required to work during their lunch, that period shall be counted as hours worked.

- **Discretionary Breaks**

Agency managers may grant employees who work an eight-hour day or longer a maximum of one 15-minute rest break before and one 15-minute rest break after the required lunch period.

Rest breaks are included in hours worked per day.

▪ Impermissible Use of Breaks

The lunch period and the break(s) must be taken separately and breaks may not be used to extend the lunch period. Except with prior approval, lunch breaks should not be adjusted to compensate for employees' late arrival or early departure, or to cover time off for other purposes.

*Note: Managers reserve the right to determine when or if lunch periods may be used to compensate for an employee's late arrival or early departure.*

3. Alternate Work Schedules

Divisions and offices are encouraged to implement schedules that differ from the standard workweek provided such schedules do not impede efficiency of agency operations or increase agency overtime liability.

Divisions and Offices are encouraged to allow alternate work schedules to facilitate or reduce employees' commuting time.

Employees are expected to work overtime, as required.

Assignment to an alternate work schedule does not affect the total number of hours an employee is scheduled to work.

4. Conditions of Employment

An alternate work schedule arrangement is intended to benefit both the employee and Agency operations. However, if necessary, the Agency may require employees to work alternate work schedules as a condition of employment.

In such cases, this requirement will be included when the position is advertised for recruitment and will be stated in correspondence offering employment.

5. Work Agreements

Divisions and offices are required to document alternate work schedule arrangements by developing work agreements that include:

- the alternate work schedule and how it might be changed;
- the duration of the agreement/schedule;
- how leave and holidays will be managed; and
- how emergency or weather-related closings under section "2.7 EMERGENCY OFFICE CLOSINGS," will be managed.

Divisions and offices are required to send this information to the Division of Human Resource Management, Employee Relations Unit as such requests are initiated and approved by division/offices.

6. Termination of Agreement

Agency management may terminate alternate work schedule agreements at any time. Agencies should give employees advance notice of the date the alternate work schedule will end; however, advance notice is not required.

7. Division/Office Requirements

Divisions/Offices must:

- designate **positions** that are appropriate for working alternate work schedules, conveying such information to the Division of Human Resource Management who is responsible for entering the information in the Personnel Management System; and
- provide information to the Division of Human Resource Management on whether **employees** in designated positions are working alternate work schedules for purposes of entering such information in PMIS; and
- set annual percentage targets for the number of positions eligible for working alternate work schedules; and
- by July 1, 2009, the Agency must have a combined division/office goal of not less than 25 percent of eligible VDSS workforce participating in alternate work schedules.

8. Overtime Hours

A non-exempt employee under the Fair Labor Standards Act may work overtime hours only as authorized in advance by his or her manager or supervisor.

Overtime hours normally shall not be authorized except where required by exceptional circumstances of an emergency or temporary nature. Employees eligible for overtime will receive either overtime leave or overtime pay at management's discretion.

9. FLSA and the Workweek

The Fair Labor Standards Act requires that a workweek be established in order to determine overtime pay for non-exempt employees. The Agency's workweek begins at 12:01 Sunday, and ends midnight Saturday.

## 2.9.4 Authority

This SOP, re-issued by the VDSS, is an adaptation of [Policy 1.25](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 12, Title 2.2 of the Code of Virginia and §§2.2-203.1 and 2.2-2817.1.. This SOP supercedes VDSS SOP 1.4, dated September 2, 2003.

## 2.9.5 Authority and Interpretation

Director of the Virginia Department of Social Services, Division of Human Resource Management (VDSS/DHRM), or designee, is responsible for the Agency's interpretation of this SOP and for its revision or recession.

## 2.9.6 Related Standard Operating Procedures

SOP section "2.17 STANDARDS OF CONDUCT"

SOP section "2.18 TELECOMMUTING"

SOP section "2.15 RECRUITMENT, SCREENING AND SELECTION"

SOP section "2.4 COMPENSATORY LEAVE"

## **2.10 IDENTIFICATION BADGE**

### **APPLICATION:**

All Virginia Department of Social Services (VDSS) classified, wage (P-14), or contract employees, volunteers, or other personnel with an ongoing need to enter a VDSS building.

### **PURPOSE:**

To provide guidelines for obtaining identification badge allowing entry into a VDSS building.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

The Director of the VDSS' Division of Human Resource Management (DHRM) or designee is responsible for the agency's interpretation of this SOP and for its revision or rescission.

#### **2.10.1 Identification badge application requirement**

All VDSS classified, wage (P-14) or contract employees, volunteers, or other personnel must apply for a VDSS Identification Badge. The Identification Badge Application Processor in the VDSS/DHRM or designee shall be responsible for providing an application to each person and shall ensure that the application is processed in a timely manner. Authorization for an identification badge will be provided to the applicant, who then must take it to the Department of Motor Vehicles, where a photo-identification badge will be made.

#### **2.10.2 Identification badge presentation requirement**

##### **2.10.2.1 Entry into the Home Office by Any VDSS Classified, Wage (P-14) or Contract Employee, Volunteer, or Other Personnel Assigned To the Home Office**

- Display of an identification badge upon entry into the VDSS Home Office at 7 N. Main St., Richmond, Virginia, shall be required of VDSS classified, wage (P-14) or contract employees, volunteers, or other personnel with an *ongoing need* to access the premises. At times within the building, staff, volunteers, and other personnel may be requested to present their identification badge.
- Anyone who is unable to present their identification badge upon entry into the Home Office must obtain a temporary identification badge from security staff in the building's lobby. Additionally, the employee must sign in and out each time the building is entered and exited. The sign-in/out sheets may be monitored to identify those who do not regularly adhere to presenting the permanent badge and/or who fail to follow instructions for using a temporary badge.
- Anyone who loses their identification badge shall apply for a replacement within five workdays of the loss of the badge.

##### **2.10.2.2 Entry into the Home Office by Any VDSS Classified, Wage (P-14) or Contract Employee, Volunteer, or Other Personnel Not Assigned to the Home Office**

- VDSS classified, wage (P-14) or contract employee, volunteer, or other personnel *not assigned* to the Home Office must either present a VDSS identification badge or

obtain a temporary identification badge from security staff in the building's lobby.  
Additionally, they must sign in and out each time the building is entered and exited.

***2.10.2.3 Entry into All Non-Home Office VDSS Offices by Any VDSS Classified, Wage (P-14) or Contract Employee, Volunteer, or Other Personnel***

- VDSS classified, wage (P-14) or contract employee, volunteer, or other personnel must either present a VDSS identification badge for entry and exit into a non-Home Office VDSS building or follow the access procedures of the specific VDSS work site.

## **2.11 EMPLOYMENT ELIGIBILITY VERIFICATION**

### **OBJECTIVE:**

In accordance with the Immigration Reform and Control Act of 1986, it is the Virginia Department of Social Services' Division of Human Resource Management (VDSS/DHRM) policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, it is also the agency's policy to prohibit discrimination against any person in hiring, discharging, or recruiting because of a person's national origin or citizenship status.

#### **2.11.1 Employees to whom policy applies**

This policy applies to all newly hired and re-employed full-time and part-time classified employees and wage (P-14) employees.

#### **2.11.2 Definitions**

##### **2.11.2.1 Acquired Citizenship**

Citizenship conferred at birth on children born abroad to a U.S. citizen parent(s).

##### **2.11.2.2 Alien**

Any person not a citizen or national of the United States.

##### **2.11.2.3 Certificate of Citizenship**

Identity document proving U.S. citizenship. Certificates of citizenship are issued to derivative citizens and to persons who acquired U.S. citizenship.

##### **2.11.2.4 Employee**

Full-time and part-time classified and wage (P-14) employees hired and re-employed by the VDSS/DHRM after November 6, 1986. Independent contractors or persons who provide labor to VDSS who are employed by a contractor providing services are not employees.

##### **2.11.2.5 Employer**

Virginia Department of Social Services, Division of Human Resource Management (VDSS/DHRM).

##### **2.11.2.6 Form I-9**

Employment Eligibility Verification Form.

##### **2.11.2.7 Immigrant**

A foreign national who intends to reside permanently in the United States.

##### **2.11.2.8 Immigration Reform and Control Act (IRCA) of 1986**

Public Law 99-603 (Act of 11/6/86), which was passed in order to control and deter illegal immigration to the United States. Its major provisions stipulate legalization of undocumented aliens who had been continuously unlawfully present since 1982,

legalization of certain agricultural workers, and sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders. This law also establishes documentation and record keeping requirements for all employers, regardless of whether they hire aliens or not. Because the law requires an administrative burden on potential employers, the law also protects authorized non-citizens from discrimination that may arise from the law's requirements.

**2.11.2.9 National**

A person owing permanent allegiance to a state.

**2.11.2.10 Nonimmigrant**

A foreign national who intends to remain only temporarily in the United States, and to return to an unabandoned foreign residence abroad.

**2.11.2.11 Permanent Resident Alien**

An alien admitted to the United States as a lawful permanent resident.

**2.11.2.12 Re-employed Employee**

Employees formally employed by the Commonwealth of Virginia who are re-hired following a period of separation from state service that exceeds 30 calendar days.

**2.11.2.13 U.S Citizen**

Generally those individuals who were born in the United States, or through birth abroad of two United States citizens, or through birth abroad to one United States citizen.

**2.11.2.14 U.S. Immigration and Naturalization Service (INS)**

A federal agency of the Department of Justice responsible for enforcing the laws that include regulating work authorization and other permits.

**2.11.3 Employment eligibility and verification**

**2.11.3.1 Notification of Eligibility and Verification**

1. On or before the employment start date, a newly hired or re-employed employee will be advised by VDSS/DHRM of the requirement to provide documents that establish identity and employment eligibility. This advisement will be included in the offer of employment letter. The Form I-9 and list of acceptable documents will be provided in the new employee hire packet.
2. Employees whose separation from VDSS does not exceed 30 calendar days are not required to complete Form I-9.

**2.11.3.2 Completion of Form I-9 – Employee Responsibilities**

1. A newly hired or re-employed employee located in the Central or Central Regional Offices must attend new employee orientation on their first day of employment to complete Section 1 of the Form I-9 and present acceptable documents.

2. All other employees must report to their respective regional or district offices on their first day of employment to complete Section 1 of the Form I-9 and present acceptable documents.
3. If the employee cannot make available acceptable documents within three business days, the employee must present a receipt that shows that he or she has applied for the appropriate documents within three business days of hire. The employee must produce the appropriate documents within 90 days of hire. The 90 days grace period does not apply to aliens who indicate at the time of hire that they do not have work authorization.
4. If the employee cannot present the acceptable documents and/or receipts, the employee will be removed from the agency's payroll and terminated by VDSS/DHRM or the regional/district manager.

**2.11.3.3 Completion of Form I-9 and Review of Documents – VDSS/DHRM or Regional/District Manager Responsibilities**

1. Check original documents establishing employees' identity and eligibility. Examination of documents requires one document from List A, **or** one from List B **and** one from List C.
2. In Section 2 of Form I-9; (a) Record the title, issuing authority, number and expiration date (if any) of the document(s); (b) Fill in the date of hire and correct information in the certification block; and (c) Sign and date the form.
3. For individuals who are hired and work less than three business days, VDSS/DHRM or the Regional/District Manager is required to examine documents and sign the verification form at the time of hire. Under these circumstances, receipts in lieu of documents are not acceptable.
4. The authorized regional/district manager must fax Form I-9 to VDSS/DHRM at (804) 726-7027 on the employee's first day of work, and send original Form I-9 and a copy of reviewed documents to VDSS/DHRM.

**2.11.4 Receipts In-Lieu of Documents – VDSS/DHRM or Regional/District Manager Responsibilities**

1. On the day of hire, re-verify that the employee checked the box in Section 1 indicating that they are eligible to work in the U.S.
2. Record the document title in Section 2, and write the word "receipt," and a document number (if any) in the space labeled "document #."
3. Follow up with the employee within 90 days of the date of the employment to review the actual document.
4. Review the actual document, cross out the "receipt" on the Form I-9 and any document number, insert the number for the actual document, and initial and date the change.

**2.11.5 Re-verification of Documents – VDSS/DHRM Responsibilities**

When an employee's authorization that supported his or her ability to work expires:

1. VDSS/DHRM must re-verify the employee's eligibility to continue work.
2. VDSS/DHRM must complete Section 3 of the Form I-9 to document eligibility was re-verified, or if the section has been used previously, use a new form.



3. When using a new form, VDSS/DHRM must write the employee's name in Section 1, complete Section 3 and retain the new form with the original form.
4. The employee must present a document that shows either an extension of the expiration date on the document used to establish the employee's initial employment authorization, or a different document that can be used to establish work authorization.
5. If the employee cannot present proof of current work authorization, the employee will not be allowed to continue their employment with the agency.
6. VDSS/DHRM will remove the employee from the agency's payroll and terminate the employee's employment with the agency.

#### **2.11.6 Acceptable documents**

##### **2.11.6.1 Acceptable Documents**

1. The VDSS/DHRM or the regional/district manager must accept original documents or combination of documents presented by the employee that reasonable appear on their face to be genuine and relate to the person presenting them. A photocopy of a document is not acceptable. The only exception is an employee may present a certified copy of a birth certificate.
2. VDSS/DHRM cannot specify which document(s) an employee must present.

##### **2.11.6.2 Lists of Acceptable Documents**

1. Form I-9 (Rev. 11-21-91) lists acceptable documents that establish identity, employment eligibility and/or both.
2. Until INS revises Form I-9 to reflect rules that resulted in reducing the lists of documents acceptable for employment verification under List A, VDSS/DHRM shall follow INS instructions to continue to use the current version of the Form I-9 (Rev. 11-21-91).

##### **2.11.6.3 Records and maintenance**

1. VDSS/DHRM shall retain I-9 forms and copies of identity and employment eligibility documents for as long as the employee is employed by the agency.
2. VDSS/DHRM shall retain I-9 forms and supporting identity and employment eligibility documents for period of one year after the separation date of the employee.
3. Forms must be made available for inspection to the Immigration and Naturalization Service or Department of Labor official upon request.

##### **2.11.6.4 Violation**

INS can impose civil and criminal penalties if the agency fails to comply with immigration law.

## **2.12 LAYOFF**

### **OBJECTIVE:**

When it is necessary to adjust the size of or reconfigure the work force, it is the Virginia Department of Social Services' objective to implement a reduction in force using objective, uniform criteria.

#### **2.12.1 Employees to whom policy applies**

This policy applies to employees in full-time classified and restricted positions covered by the provisions of the Virginia Personnel Act.

#### **2.12.2 Definitions**

##### **2.12.2.1 Demotion in Lieu of Layoff**

When an employee is removed from his or her position and placed in a position in a lower pay band in the same or different agency as a result of reduction in force.

##### **2.12.2.2 Geographic area**

The areas in which an agency operates as determined by management prior to the implementation of a layoff.

##### **2.12.2.3 Layoff**

When an employee is removed from his or her position because of a reduction in force or reorganization.

##### **2.12.2.4 Leave Without Pay-Layoff (Involuntary Separation)**

The status of an employee who is laid off from an agency.

##### **2.12.2.5 Minimally Qualified**

An employee determined by management to be capable of satisfactorily performing the duties of a particular job within six months of occupying that job.

##### **2.12.2.6 Occupational Class (job class)**

A group of positions that are sufficiently similar in kind or subject matter of work, and level of difficulty and responsibility, as to be categorized under one class title and within the same pay band.

##### **2.12.2.7 Occupational Class Series**

Occupational classes that perform similar work but are sufficiently different in the level of difficulty or responsibility as to warrant different class titles and pay bands.

**2.12.2.8 Organizational Unit**

A specific work division within an agency, as determined by agency management. An organizational unit may consist of, for example, the entire agency; an agency division, office, or bureau; or other identifiable work units.

**2.12.2.9 Preferential Employment Rights**

The right of an employee on leave without pay-layoff to obtain a vacant position in the employee's occupational class, in other Executive Branch agencies, without competition from candidates outside the hiring agency.

**2.12.2.10 Reassignment**

The assignment of an employee to a different position (that may or may not be in his or her occupational class series) in lieu of placing the employee on leave without pay-layoff.

**2.12.2.11 Recall**

The placement of an employee who is on leave without pay-layoff status, or demotion in lieu of layoff status, into a position that is in the employee's pre-layoff occupational class series and agency. Occupational class series positions to be considered for recall must be in the same or lower salary grade than the position from which the employee was laid off.

**2.12.2.12 Relocate**

When an employee must change his or her place of residence due to placement in a position in a different geographic area.

**2.12.2.13 Re-employment Opportunity (re-op) Pool**

A voluntary program whereby employees may have work credentials entered into a computerized data-base which can be used by Executive Branch agencies in recruiting applicants for vacancies.

**2.12.2.14 Pay Band**

A pay range that identifies the minimum and maximum compensation rates authorized for a specific class.

**2.12.2.15 Seniority**

Total continuous salaried state service, computed from the last employment or re-employment date, including approved leaves without pay.

**2.12.2.16 Severance Benefits**

The benefits provided to an eligible employee who is laid off.

**2.12.2.17 Valid Vacancy**

A vacancy that has been approved for filling by the appointing authority and, as a result, is listed in RECRUIT.

### **2.12.3 Sequence in implementing layoff policy**

After the Commissioner has identified the organizational units and occupational classes from which positions will be discontinued, the agency must discontinue positions in the following sequence.

#### **2.12.3.1 Wage Employees**

Although wage employees may be terminated without cause at any time, they must be terminated before a classified employee performing the same work in the same organizational unit in the same geographic area can be laid off. Wage employees are not entitled to any severance benefits.

#### **2.12.3.2 Part-Time Classified and Part-Time Restricted Positions**

Although employees in these positions cannot ordinarily be terminated without cause, they must be terminated before a full-time classified employee in the same occupational class, performing the same work, in the same organizational unit, in the same geographic area, is laid off.

- These employees have no placement rights under sections “2.12.5 *Reassigning employees within the agency – placement options*” & “2.12.5.3 *Placement to positions in other executive branch agencies*” of this policy (nor recall, preferential hiring, or re-employment opportunity pool rights) unless they were employed in a full-time classified position immediately before their current part-time status.
- If they do have placement rights because of their immediate prior full-time service, they must have the placement options outlined in sections “2.12.5 *Reassigning employees within the agency – placement options*” & “2.12.5.3 *Placement to positions in other executive branch agencies*” considered for them.
- Consideration for placement under section “2.12.5 *Reassigning employees within the agency – placement options*” will be in order of seniority with all other employees affected by placement.
- These employees are not eligible to receive severance benefits.

#### **2.12.3.3 Full-Time Restricted Positions**

While employees in these positions cannot ordinarily be terminated without cause, if their position is anticipated to be funded for more than six months, they must be terminated before a full-time classified employee in the same occupational class, performing the same work, in the same organizational unit, in the same geographic area, is laid off.

- These employees have no placement rights under sections “2.12.5 *Reassigning employees within the agency – placement options*” & “2.12.5.3 *Placement to positions in other executive branch agencies*” of this policy (nor recall, preferential hiring, or re-employment opportunity pool rights) unless they were employed in a full-time classified position immediately before their current part-time status.
  1. If they do have placement rights because of their immediate prior full-time service, they must have the placement options outlined in sections “2.12.5 *Reassigning employees within the agency – placement options*” & “2.12.5.3 *Placement to positions in other executive branch agencies*” considered for them.

2. Consideration for placement under section “2.12.5 *Reassigning employees within the agency – placement options*” will be in order of seniority with all other employees affected by placement.
- Restricted employees whose positions are contingent upon project grants as defined in the Catalog of Federal Domestic Assistance are not eligible to receive severance benefits unless the funding source has agreed to assume all financial responsibility in its written contract with the Commonwealth (see section “2.12.2.16 *Severance Benefits*”).

**NOTE:** *The Catalog defines project grants to include fellowships, scholarships, research grants, training grants, traineeships, experimental and demonstration grants, evaluation grants, planning grants, technical assistance grants, survey grants, construction grants, and unsolicited contractual agreements.*

#### **2.12.3.4 Full-Time Classified Positions**

After the agency has identified positions to be discontinued according to the sequence set forth in section “2.12.3 *Sequence in implementing layoff policy*” above, the agency must identify full-time classified employees in the organizational unit, in the geographic area, to be removed from the specific occupational class, according to seniority. The employee(s) with the least seniority in the identified occupational class is the person(s) affected by layoff.

#### **EXAMPLE:**

There are five Office Services Specialists (class code 11025) in the same organizational unit in the same geographic area. One of the five positions is to be eliminated. The employee with the least seniority is identified and becomes the employee affected by layoff.

1. Full-time classified employees must have the placement options outlined in sections “2.12.5 *Reassigning employees within the agency – placement options*” & “2.12.5.3 *Placement to positions in other executive branch agencies*” considered for them. Consideration for placement under section “2.12.5 *Reassigning employees within the agency – placement options*” will be in order of seniority with all other employees affected by displacement within the agency.
2. Full-time classified employees who are laid off are covered by the preferential employment, recall, and re-employment opportunity pool provisions of this policy.
3. Full-time classified employees who are laid off, who accept layoff in lieu of taking a demotion which would result in a reduction in salary, or who accept layoff in lieu of relocating are eligible for the severance benefits

#### **2.12.4 Notice to employees affected by layoff**

##### **2.12.4.1 Two Week Notice**

The agency must provide employees who are to be affected by layoff with written notice at least two weeks before the date of layoff or reassignment.

**2.12.4.2 *Final Notice***

For full-time classified employees, the final notice of layoff or reassignment should be on the Notice of Layoff or Reassignment form, which includes information regarding benefits, or any other document, which provides the same basic information.

### **2.12.5 Reassigning employees within the agency – placement options**

**NOTE:** *At the same time the placement step below is considered for employees, the procedures outlined in section “2.12.5.3 Placement to positions in other executive branch agencies” below must be implemented.*

#### **2.12.5.1 Reassigning Employees - Placement Options**

After the agency has identified all affected employees, it must attempt to reassign them within the agency, by seniority, in any valid vacancy (regardless of work hours or shift), agency-wide, in the same or lower salary grade as their current position.

1. An employee must be offered a position in the highest salary grade available in order of seniority. Once this position has been offered, the agency has no obligation to consider additional placement options for the employee.

**EXCEPTION:** *An employee may turn down a vacancy and be considered for the next vacancy option if the vacancy offered involves relocation (regardless of salary grade).*

2. An employee must be minimally qualified for the position to which the employees being assigned.
3. An employee who turns down a vacancy in the same or lower pay band in the same geographic area that does not result in a reduction in salary will be separated-layoff and will not be entitled to any severance benefits.
4. Employees who turn down vacancies in lower pay bands in the same geographic area that do result in a reduction in salary will be placed on leave without-pay status and will be entitled to severance benefits to which they would otherwise be entitled.
5. If no placements are available within the same agency, or within other agencies in the Executive Branch (see section “2.12.5.3 Placement to positions in other executive branch agencies” below), by the expiration period of the layoff notice, the employee will be placed on leave without pay-layoff and will be eligible for severance benefits.

#### **2.12.5.2 Compensation**

1. An employee who is placed in demotion in lieu of layoff status will retain his or her salary, unless the salary is above step 20.
2. If the salary is above step 20, the agency may freeze the salary at the employee’s current rate for a maximum of six months.
3. Employees who are reassigned will be eligible for incentive increases or bonuses in accordance with policy.

#### **2.12.5.3 Placement to positions in other executive branch agencies**

**NOTE:** *At the same time the placement step below is considered for employees, the procedures outlined in section 2.12.5 above must be implemented.*

#### **2.12.5.4 Placement In Positions In Other Executive Branch Agencies**

Employees to be affected by layoff may apply for valid vacancies in any Executive Branch agency.

#### **2.12.5.5 Procedure:**

1. When initially notifying employees that they will be affected by layoff, agencies must provide employees with a yellow Executive Branch Inter-agency Placement Screening Form and the most recent publication of RECRUIT.
2. To be considered for other agencies' valid vacancies, employees must submit the Inter-agency Placement Screening Form to those other agencies for positions listed in RECRUIT (including "agency-only" announcements) that are in their same or lower salary grade.
3. Agencies receiving the Inter-agency Placement Screening Form must give these applicants preference over all other applicants, except internal candidates and employees submitting preferential employment cards.
  - A state application may be requested by the hiring agency.
  - In order to be offered a position, the applicant must be minimally qualified for the vacancy. If more than one applicant applies with the Inter-agency Placement Screening Form, the position must be filled competitively from among these applicants.
  - Employees refusing employment offers to other agencies do not forfeit their placement options under section "2.12.5 Reassigning employees within the agency – placement options," nor do they forfeit recall, severance, preferential employment, or re-employment opportunity, as appropriate.
4. Inter-agency Placement Screening Forms must be submitted for positions listed in RECRUIT from the date of layoff notification until the "Effective Date of Layoff" date found on the form. Employees who have submitted their forms within the proper time will have their applications considered first even if the application closing date is later than the effective date of layoff.
5. Once an employee has used the Inter-agency Placement Screening Form to apply for a position, and has accepted that position, the employee may not use the Screening Form to obtain other positions. Other positions for which the employee may wish to apply must be pursued through the competitive selection process identified in policy.

#### **EXAMPLE:**

Tom Jones used the Inter-agency Screening Forms to apply for two positions, one at agency A and another at agency B. Mr. Jones accepted the position at agency A, and can therefore not use the screening form to obtain the position at agency B.

#### **2.12.5.6 Compensation**

1. Salaries offered to these employees will be governed by the starting pay provisions of SOP- section "2.3 COMPENSATION GUIDELINES."
2. Employees accepting placements under these provisions will be entitled to incentive increases in accordance with the provisions of section "2.13 PERFORMANCE PLANNING AND EVALUATION."
3. Employees accepting placements under these provisions will not be entitled to severance benefits.



## **2.12.6 *Preferential employment rights***

### **2.12.6.1 *Preferential Hiring Rights***

Employees on leave without pay-layoff have preferential employment to valid vacancies in their occupational class, in other Executive Branch agencies, without competition from candidates outside the hiring agency or wage employees within the hiring agency.

### **2.12.6.2 *Issuance of the Preferential Hiring Card***

Preferential hiring cards must be issued on the workday before the effective date of leave without pay-layoff.

### **2.12.6.3 *Employee Responsibilities***

To exercise his or her preferential employment rights for positions in other Executive Branch agencies, an employee on leave without pay-layoff must apply for vacant positions within his or her occupational class and present his or her preferential hiring card on or before the closing date for applications for the positions.

### **2.12.6.4 *Duration of Preferential Employment Rights***

An employee's preferential employment rights cease: 12 months from the effective date of placement on leave without pay-layoff; upon being recalled to a position in the agency and geographic area from which he or she was laid off; or upon resignation, whichever occurs first.

### **2.12.6.5 *Positions Subject to Preferential Employment Rights***

An employee will be selected for the vacant position provided he or she is minimally qualified for the position, and the agency does not select an employee currently employed within that agency.

## **2.12.7 *Effect of layoff on leave and service***

### **2.12.7.1 *Accrual of Paid Leave***

An employee on leave without pay-layoff will not accrue annual or sick leave while on leave without pay-layoff.

### **2.12.7.2 *Treatment of Accrued Annual, Sick, Compensatory and/or Overtime Leave***

1. Annual and Sick leave  
An employee may request payment of his or her accrued annual leave and/or sick leave, if eligible, or be allowed to retain these balances when placed on leave without pay-layoff.
2. Payment of annual leave will be only for the maximum allowable amount pursuant to the Annual Leave policy.
3. Employees with five or more years of consecutive state service will be entitled to 25% of their sick leave balances up to a maximum of \$5,000.

A laid off employee who retains his or her leave balances will be paid upon expiration of the period of leave without pay-layoff or resignation, whichever occurs first.

4. Compensatory and overtime leave

An employee placed on leave without pay-layoff or terminated will be paid for his or her accrued compensatory and overtime leave at the time of his or her placement in that status.

**2.12.7.3 Service For Leave Purposes**

1. Annual leave

An employee will receive credit for the time spent on leave without pay-layoff for purposes of determining the accrual rate of annual leave (i.e., 5, 10, 20 years service) should the employee return to active state service in the future,

2. Sick leave

For purposes of attaining five years of continuous state service for the payment of sick leave upon termination, an employee will receive credit for time spent on leave without pay-layoff.

**2.12.8 Recall**

**2.12.8.1 Recall Rights**

Employees who are on leave without pay-layoff or who have been reassigned to a position in a lower pay band (i.e., demoted in lieu of layoff) will have recall rights for positions in their occupational class series within the agency from which they were laid off or demoted for which they are minimally qualified. (Occupational class series is identified by three-digits of the class code.)

**2.12.8.2 Recall According to Seniority**

If more than one employee has recall rights to a position, then the position will be awarded to the most senior, minimally-qualified employee.

**2.12.8.3 Recall of Employees**

1. Duration of recall rights

Recall rights cease one year from placement in leave without pay-layoff status. For those employees placed in demotion in lieu of layoff status on or after May 1, 1995, recall rights, also cease after one year.

2. When an employee declines recall

- Requires relocation

When an employee declines recall to a position that requires the employee to relocate (regardless of the salary grade), the employee shall retain recall rights.

- Does not require relocation

If an employee declines recall to a position in the same salary grade from which laid off that does not require relocation, an employee on leave without pay-layoff shall forfeit rights for further severance payments and his or her

name will be removed from the recall list. Health insurance and life insurance will continue until the end of the 12-month period.

3. **Compensation**

An employee who is recalled will return to the employee's pre-layoff salary grade and pay step provided it is not above pay step 20.

**2.12.9 Additional re-employment opportunities within the commonwealth**

**2.12.9.1 Re-Employment Opportunity (Re-Op) Pool**

The Commonwealth has established a re-employment (re-op) pool whereby employees in leave without pay-layoff status may be considered, without competition, for any vacancy in any agency of the same or lower salary grade from which they were laid off.

**2.12.9.2 Participation in Pool Voluntary**

1. Employee participation in the re-op pool is voluntary.
2. Upon placement on leave without pay-layoff, employees should be provided with a re-op pool application.
3. The application should be submitted to the agency human resource officer who, in turn, must enter the data into the data pool.

**2.12.9.3 Re-Employment Opportunities**

At the discretion of the agency head, any agency may place an employee from any agency who is in a leave without pay-layoff status, and listed in the re-op pool, into any position of the same or lower salary grade than the position from which the employee was laid off.

**2.12.9.4 Compensation**

Compensation for employees placed under this program shall be based on the starting pay provisions of the SOP- section "2.3 COMPENSATION GUIDELINES. "

**2.12.10 Separation-layoff**

Employees who have been on leave without pay-layoff for 12 consecutive calendar months shall be placed on separated-layoff status.

**2.12.11 Agency responsibilities**

Agencies involved in a reduction in force are responsible for:

- Applying the placement steps as outlined in this policy;
- Informing affected employees of the reassignment opportunities in other agencies;
- Maintaining an up-to-date list of employees eligible for recall;
- Recalling agency employees, as appropriate; and
- Ensuring the hiring of employees who are eligible for preferential employment.

## **2.13 PERFORMANCE PLANNING AND EVALUATION**

This section is currently undergoing revisions and for information pertaining to performance planning and evaluation, please access [www.dhrm.virginia.gov/hrpolicy/policy/performance140.pdf](http://www.dhrm.virginia.gov/hrpolicy/policy/performance140.pdf).

## **2.14 PROBATIONARY PERIOD**

This section is currently undergoing revisions and for information pertaining to probationary period, please access [www.dhrm.state.va.us/hrpolicy/policy/probation145.pdf](http://www.dhrm.state.va.us/hrpolicy/policy/probation145.pdf).

## **2.15 RECRUITMENT, SCREENING AND SELECTION**

### **PURPOSE:**

To provide guidelines for the recruitment, screening, and selection of applicants for employment within the Virginia Department of Social Services (VDSS).

### **AUTHORITY, INTERPRETATION, AND REVISION :**

This SOP supersedes VDSS SOP 3, dated July 22, 1975, SOP 4, dated July 22, 1975, and SOP 21, dated March 15, 1983. The Director of the VDSS' Division of Human Resource Management (DHRM) or designee, is responsible for the agency's interpretation of this SOP and for its revision or rescission.

### **2.15.1 Definitions**

#### **2.15.1.1 Addendum Interview List**

List prepared by the VDSS/DHRM when an applicant's name was omitted in error from the original Referral List, Interview List, or Supplementary Interview List.

#### **2.15.1.2 Complete Screening**

At the request of the hiring authority, the VDSS/DHRM Generalist screens all applications in order to identify the most qualified applicants. An Interview List containing the names of the applicants to be interviewed and their applications are sent to the hiring authority. The hiring authority must interview all candidates on the Interview List.

#### **2.15.1.3 Disposition Codes**

Abbreviations used to indicate the final status of each referred applicant.

#### **2.15.1.4 Interview List**

List prepared by the VDSS/DHRM. It contains the names of applicants to be interviewed for the position.

#### **2.15.1.5 Preliminary Screening**

The VDSS/DHRM Generalist screens all applications in order to identify the applicants whose qualifications meet or exceed the minimum requirements for the position. A Referral List containing the names of those applicants and their applications are sent to the hiring authority for further consideration. The hiring authority determines which applicants will be offered an interview.

#### **2.15.1.6 Recruitment Announcement**

Job vacancy posting which contains position title and number along with other pertinent information (full-time/part-time/temporary; salary; position expiration date, if applicable); special requirements/preferences, if any; a brief duties and responsibilities paragraph; entry-level knowledge, skill, and ability statements (KSAs); announcement period closing date; and mailing address. For state positions, sometimes there is a notice

of Completion of Economic Interest Statement added. A disclaimer should always be included, stating the requirement for a [Criminal History Background Check](#).

#### **2.15.1.7 Referral List**

List prepared by VDSS/DHRM. It contains the names of applicants that the hiring authority may further consider in order to determine which applicants will be offered an interview.

#### **2.15.1.8 Request to Advertise Position Form**

[Form](#) submitted by the hiring authority to VDSS/DHRM when there is a need to advertise/fill a position.

#### **2.15.1.9 Supplemental Interview List**

List prepared by VDSS/DHRM at the request of the hiring authority when fewer than five applicants listed on the Interview List accept an interview. A Supplemental Interview List may also be issued if, after conducting interviews, the hiring authority is unable to select an applicant from the original Interview List.

### **2.15.2 Listing job announcements**

All job announcements for vacant classified positions that are open to State Employees only, or Open Recruitment must be advertised in RECRUIT, except in the following situations:

1. Positions to be filled through Agency Internal Recruitment.  
(Requires procedures be in place to notify all agency employees of such openings.)
2. Vacant positions available as placement or recall opportunities for employees affected by Layoff.
3. Positions to be filled by agency-initiated demotions, or temporary assignments, or employee-requested demotions, or lateral transfers. **(NOTE:** Approval of employees' requests for lateral transfers or voluntary demotions is at the discretion of the Agency.)
4. Similar vacancies (same Role, duties/work title, organizational unit, and geographic area) that become vacant, or funded, within 90 calendar days from the position closing date of the similar vacancy. **(NOTE:** When such vacancy occurs and is not listed in RECRUIT, the hiring authority may only consider applications in the applicant pool for the previously recruited position.)
5. Positions to be filled by employees returning from leave (with or without pay, including VSDP), or placements resulting from job-related injuries, if the position is in a Role equal to or lower than the position held by the employee before the leave.

### **2.15.3 Applicant recruitment, screening, and selection**

#### **2.15.3.1 Posting Requirements**

Job announcements must be listed in [RECRUIT](#) for a minimum of five consecutive workdays.

#### **2.15.3.2 Types of Recruitment**

- **Fixed Period**  
A period of time such as one week, two weeks, etc., that the hiring authority chooses. If this option is selected;
  - (1) A closing date must be specified in the announcement, and
  - (2) All applications received by the closing date must be considered.
- **Open Until Filled**  
Positions designated as “*Critical*” to the operations of the agency and meeting that definition may be posted as open until filled. If this method is used, a statement must be included in postings that indicate the date a position opened and that there is a minimum posting requirement of five consecutive workdays. This type of posting is restricted to positions contained within pay band six or higher.
- **Intra-agency**  
Recruitment is limited to current permanent, probationary, and temporary (P-14) employees of the State Department of Social Services. Contract employees are excluded from applying.
- **Inter-agency**  
Recruitment is limited to current permanent, probationary, and temporary (P-14) employees of any agency of the Commonwealth of Virginia.

#### **2.15.3.3 [Request to Advertise Position Form](#)**

- **Hiring Authority’s Role**  
The hiring authority completes an up-to-date [Employee Work Profile \(EWP\) form](#), [Request to Advertise Position Form](#) (RTF) approved by Division Director, Justification Statement (JS), [Personnel Transaction Form](#) (PTF), Org. Chart and [Agency Hiring Request Form](#) and sends to VDSS/DHRM. If more than one position with the same Role title and position type (permanent, temporary; full-time or part-time) is being recruited for, a separate [EWP](#), [RTF](#), [PTF](#) and [Agency Hiring Request Form](#) must be submitted for each position. The hiring authority indicates on the [RTF](#) the type of applicant screening (refer all, preliminary or complete) that is desired.  
***NOTE: The Division of Licensing is exempt (per Executive Order 9, issued by the Governor of the Commonwealth of Virginia) from obtaining the Secretary of Health and Human Services Approval and signature on the RTF.***
- **VDSS/DHRM’s Role**  
VDSS/DHRM checks all information for completeness and accuracy. Completed paperwork is forwarded to the Section’s office for approval.

#### **2.15.3.4 Preparation of Recruitment Announcements, Closing Day and Time, and Extensions**

- **Preparation of Recruitment Announcements**  
VDSS/DHRM prepares the Recruitment Announcement, newspaper advertisement(s), coordinates a review of the announcement and newspaper advertisement with the hiring authority, and enters information into [RECRUIT](#), the



Department of Human Resource Management's (DHRM) automated personnel system.

- Closing day and time  
Recruitment Announcements prepared will generally close on a Friday at 5 p.m. unless requested otherwise by the hiring authority.
- Extensions  
An announcement-posting period may be extended a minimum of five additional workdays at the discretion of the hiring authority.

#### ***2.15.3.5 Recruitment Announcement and Newspaper Advertisement***

- Contents of Recruitment Announcements and Newspaper Advertisements
  1. Recruitment Announcements include the Role/Working title; position number; salary range, entry salary, or hourly rate of pay; if part-time, hours per week; and position location; statement about the type of recruitment for any position for which open recruitment is not being used; deadline date and time for receipt of applications; duties and responsibilities paragraph; special requirements, if any; notification of requirement for criminal history check, knowledge, skills, and abilities (KSAs) needed for entry into the position; application instructions, and a statement that the agency is an equal opportunity employer.
  2. Newspaper advertisements include the Role/Working title; position number; salary range, entry salary, or hourly rate of pay; if part-time, hours per week; position location; statement about the type of recruitment for any position for which open recruitment is not being used; deadline date and time for receipt of applications; a brief duties and responsibilities paragraph; notification of criminal history background check; special requirements, if any; agency's website link; The knowledge, skill, ability statements (KSAs) may be included if classified advertising costs are not prohibitive.
- Restrictions on the use of Required Qualifications  
Recruitment Announcements and newspaper advertisements may include preferred qualifications, but unless a job analysis supports a specific requirement, the desired qualifications should not be set forth so absolutely as to discourage otherwise qualified applicants from applying or automatically preclude applicants from consideration.
  1. Specific years of experience prohibited  
Except where required by law or State Board policy, Recruitment Announcements and newspaper advertisements may not state a qualification for specific years of experience, but may state a qualification of related or applicable experience.
  2. Educational qualifications  
Except where required by law or State Board policy, Recruitment Announcements and newspaper advertisements should not state absolute educational qualifications or use educational qualifications to preclude from consideration applicants who have equivalent or sufficient applicable experience or training.

3. Proficiency levels  
Recruitment Announcements and newspaper advertisements may include proficiency levels that are reasonable and consistent with expectations of acceptable proficiency within the work force. An example of an acceptable proficiency level is a typing speed requirement for a secretarial position which typing is a significant component.
4. Occupational certification or license  
Recruitment Announcements and newspaper advertisements should state occupational certification or licensing that is required by law.
- Approval for Bona Fide Occupational Qualifications (BFOQs)  
Recruitment Announcements or newspaper advertisements may not include a BFOQ as a qualification requirement without the approval by VDSS/DHRM.

#### **2.15.3.6 Application for Employment**

A completed Commonwealth of Virginia “Application for Employment” must be submitted (mailed, faxed, e-mailed, or hand-delivered) for each position under recruitment. A facsimile, e-mail, or photocopied application is acceptable; however, the applicant must sign the application at the time of interview. The position number(s) and location must be entered on the application. Attachments to the completed “Application for Employment,” including a resume, will be considered during the screening process. The “Application for Employment” may be obtained from VDSS/DHRM, Virginia Employment Commission, or from the VDHRM’s website at <http://www.dhrm.state.va.us/employmentandcareers.html> or at <http://www.dss.state.va.us/geninfo/jobs.cgi>.

#### **2.15.4 Testing or Use of Work Samples**

This needs to be discussed and approved by VDSS/DHRM team prior to initiating.

#### **2.15.5 Screening, Re-evaluation, Interviewing, Reference Checks, and Selection**

The hiring authority may choose from three types of screening. The option selected is indicated on the Request to Advertise Position form.

- Refer All, Preliminary, and Complete Screening
  1. A VDSS/DHRM Generalist, using the Recruitment Announcement duties and responsibilities paragraph, entry-level knowledge, skill, and ability statements (KSAs), and special and/or preferred qualification(s) information, shall screen all applications received in response to the Recruitment Announcement.
  2. For “Refer All” screening, all applications are forwarded to the hiring authority for evaluation.
  3. For “Preliminary” screening, a Referral List of all applicants who meet or exceed the minimum required and/or desired qualifications for the position and their applications is forwarded to the hiring authority for further consideration.
  4. For “Complete” screening, an Interview List of applicants who most closely possess the required and/or desired qualifications for the position and their applications is forwarded to the hiring authority.

- Application re-evaluation
  1. Re-evaluation by VDSS/DHRM
    - Any applicant whose name is not placed by VDSS/DHRM on a Referral List, Interview List, or Supplemental Interview List for a particular position may request a re-evaluation of his Application for Employment and all attachments. The request must be submitted in writing to VDSS/DHRM. It may be mailed or faxed.
    - A re-evaluation is performed by a VDSS/DHRM Generalist only if the hiring authority has not concluded interviews.
    - The VDSS/DHRM Generalist sends written notification of the re-evaluation results to the applicant.
    - If the re-evaluation results in a rating change and if the hiring authority initially selected the preliminary screening option, then another Referral List will be issued. The hiring authority then determines if the applicant will be offered an interview. If the complete screening option was initially selected, then an Addendum List is sent to the hiring authority, which shall ensure that the applicant is offered an interview.
- Interviewing
  1. Interviews are a required step in the selection process. An interview panel or hiring authority conducts the interviews. Interview panels shall consist of individuals whose positions are contained within roles, which are equal to or higher than the role of the recruited position and should be comprised of a racially diverse group of members representing various minority populations.
  2. The Commissioner reserves the right to interview candidates in pay band six and above.
  3. The hiring authority may sit on the interview panel or permit the panel to recommend the top candidates for second interview with the hiring authority.
  4. VDSS/DHRM and the hiring authority are responsible for ensuring that the interview process is fair and consistent.
  5. The hiring authority has the discretion to select individuals to serve on an interview panel. It is important that the hiring authority ensure that panel members are familiar with the basic responsibilities of the position for which they will interview applicants, for it is the panelists' responsibility to determine which applicants the hiring authority will interview.
  6. An effort must be made to contact by telephone or in writing, if unable to reach by telephone, all applicants who have been judged eligible for an employment interview. However, the hiring authority is not required to reschedule interviews with applicants who are unable to make the scheduled interview.
  7. The hiring authority and/or panel members develop a set of interview questions to be asked of each applicant. The questions should allow the interviewer(s) an opportunity to seek information related directly to the knowledge, skills, and/or abilities (KSAs) necessary to perform the job. Questions that are not job-related or that violate EEO standards are not

permissible. The interviewer(s) may ask or answer questions in response to any statements or questions from the applicant or to clarify information provided by the applicant on the application.

- Reference checks

The hiring authority checks references with the current and former supervisor(s) of the applicant who is the final candidate for the position. The reference check, at a minimum, should obtain the following information: name, employment dates position title and duties, beginning and ending salaries, training completed, performance (work experience, KSA's, competencies), whether the employer would rehire the applicant and verification of any required license, certification, or degree.

- Selection

1. The hiring authority takes into consideration all information on the Application for Employment, the interview, and reference checks when determining the suitability of an applicant for employment. Race, color, religion, national origin, political affiliation, sex, age, or other non-KSA information such as salary history or marital status, may not be used in the selection decision.
2. After a decision is made on determining the selected candidate, the hiring authority prepares a summary of the selection process, completes/submits the top candidate's application for employment, the [Compensation Decision Worksheet](#) (CDW, approved by Division Director and Budget), [Personnel Transaction Form](#) (PTF, approved by Division Director and budget), [Criminal History Background Check Form](#), Reference Check Form, Salary Verification and all back-up documentation ( applications, questions, scores) and meets with their VDSS/DHRM team who reviews the selection process, salary calculation, and start date. The hiring authority shall provide to DHRM written verification of salary, employment dates and position title pertaining to the proposed selected individual's most current/relevant position for purposes of salary verification.
3. The hiring authority notifies the selected candidate after receiving notification from their VDSS/DHRM team that approval has been granted to employ by the Director of VDSS/DHRM and the selected candidate has successfully passed a criminal history background check and a Food Stamp check.
4. The hiring authority's VDSS/DHRM team sends the offer of employment letter under the hiring authority's signature.
5. The hiring authority's VDSS/DHRM team sends written notification to all applicants who were interviewed, but not selected. PROPOSED – Hiring authority sends these letters and provides DHRM with a copy after selection is finalized.
6. The hiring authority indicates the disposition status by each applicant's name on the Referral List, and returns the list and all applications to their VDSS/DHRM team.

#### ***2.15.5.1 Other Employment Requirements***

Before an applicant is eligible for employment with the Commonwealth, several records must be reviewed or verified. This information is considered part of the application process, and as with information contained on the application form, if it is later discovered that an applicant falsified any information related to their employment, the employee's employment may be terminated.

- **Employment Eligibility/I-9**  
Form I-9 must be completed for each newly hired employee within three days from the start date of employment as required by the Immigration Reform and Control Act of 1986.
- **Child Support Inquiries**  
Agencies must ask each new employee to disclose whether they have an income withholding order to pay child support as required by sections 20-79 and 63.1-250 of the Code of Virginia.
- **Selective Service**  
All male applicants who apply for State positions must indicate on the State application whether they have registered for Selective Service as required by Section 2.1-32.1 of the Code of Virginia.

#### ***2.15.5.2 Application Retention***

The following records must be maintained for a period of at least three years from the date the position is filled.

- Position description;
- Records related to recruitment efforts;
- Copies of advertisements;
- Employment applications;
- Race and gender data on all applicants;
- Screening and selection criteria applied; and
- Interview questions and notes on applicant responses.

## 2.16 REPORTING TIME WORKED

### APPLICATION:

All Virginia Department of Social Services (VDSS) classified and restricted classified non-exempt and exempt personnel.

### PURPOSE:

To provide guidance for reporting time worked.

### AUTHORITY, INTERPRETATION, AND REVISION:

The Director of the VDSS' Division of Human Resource Management (DHRM) or designee is responsible for the agency's interpretation of this SOP and for its revision or rescission.

### DEFINITIONS

Discretionary Breaks	Permissible breaks that managers may grant to those employees who work an eight-hour or longer day. One 15-minute rest break before and after the required lunch period is allowed. Breaks of this type are included in hours worked.
Exempt Employee	An employee not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
Lunch Period	Employees who work at least six consecutive hours are afforded a lunch period of at least 30 minutes. The lunch period is not included as hours worked unless employees are authorized to work.
Non-Exempt Employee	An employee subject to the overtime provisions of the FLSA.
On-Call Pay	Compensation supplement provided to employees who are required to be able to return to work when necessary.
Overtime Leave	Applies to positions covered under the Virginia Personnel Act (Chapter 29, Code of Virginia) including classified and restricted employees who are non-exempt (i.e., covered by the Fair Labor Standards Act) and thereby entitled to overtime compensation for overtime hours worked. Non-exempt employees must sign an <a href="#">Employee Agreement</a> form prior to receipt of this type of leave.
Shift Supplements	Compensation supplement provided to employees who are required to work a second or third shift.
<a href="#">Weekly Time Report</a>	Form used to record hours worked and non-productive time.
Workweek	VDSS workweek begins on Sunday 12:01 a.m. and ends on Saturday midnight.

**A. Reporting Time Worked – Non-exempt Employees**

VDSS must keep an accurate record of time worked in order to calculate employee pay and benefits. All non-exempt employees are required to accurately complete and submit a timesheet on a weekly basis to their immediate supervisor. Non-exempt employees must accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift (departure from and return to work). This is accomplished by drawing a diagonal line in the "Time Day Started" and "Time Day Ended" boxes for the appropriate day. The employee can then make two entries in each of these boxes.

Time worked includes all time that an employee is required to be physically engaged in work. Time worked is used to determine overtime pay required for non-exempt employees. The following provision is included as time worked:

***Work Away from Premises or at Home:*** A non-exempt employee shall not be permitted to perform work away from the premises, job site or at home, unless approved in advance in writing by the division director. If approved, work performed off the premises, job site or at home by a non-exempt employee will be counted as time worked.

It is the employee's responsibility to sign their time record to certify the accuracy of all time recorded. It is the supervisor's responsibility to certify the hours as recorded by the employee are accurate. The timekeeper for the division will review and then initial the time record before submitting it for payroll processing. In the event of an error in reporting time, immediately report the problem to the division timekeeper and immediate supervisor.

Altering, falsifying, or tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

***Non-exempt employees may not physically work in excess of 40 hours in any workweek without prior authorization by their supervisor/manager.***

**B. Time Not Worked – Non-exempt Employees**

Per the Fair Labor Standards Act (FLSA), VDSS does **not** count the following provisions as time worked:

1. **Paid Leave:** Approved paid absences, including but not limited to sick leave, family personal leave, annual leave, holiday leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked.
2. **Lunch Periods:** Uninterrupted time off for lunch is not counted as time worked.

**C. Procedures for Non-Exempt Employees in Completing the Weekly Time Report**

1. **When leave, holiday or overtime does not occur in a workweek**

- complete the Weekly Time Report on a daily basis and
- at the end of each workweek, sign the form, make a copy for your file, and give the original to your supervisor.

**2. When leave is taken in a workweek**

- complete the Weekly Time Report on a daily basis;
- in the "Leave Code" column on the Weekly Time Report, enter the code referenced on the [Leave Activity Reporting Form](#) for the leave taken; and
- sign the form, make a copy for your file, and give the original to your supervisor at the end of each workweek.

**3. When a holiday occurs in a workweek**

- complete the Weekly Time Report on a daily basis;
- in the "Leave Code" column on the Weekly Time Report, enter "H" for the day in which holiday occurs, and
- sign the form, make a copy for your file, and give the original to your supervisor at the end of each workweek.

**4. When hours worked exceed 40 within the same workweek**

- complete the Weekly Time Report on a daily basis;
- at the end of the workweek, if hours worked exceed 40 then go to the section "Type of Hours" column "Time-&-One-Half Pay" and insert the hours worked in excess of 40.
- sign the form, make a copy for your file, and give the original to your supervisor at the end of each workweek.

**D. Guidance for Supervisors/Managers of Non-Exempt Employees in the Review and Approval of the Weekly Time Report**

- review the Weekly Time Report for discrepancies,
- sign and maintain in the supervisor/manager file (if there is no disagreement in hours worked), or as instructed by your division director.
- If there is disagreement in the hours worked as recorded by the employee, clarify concerns with employee, then make changes to the Weekly Time Report, initialing and dating.
- If overtime pay (1 ½ times the hourly rate of pay) is required,
  - make a copy of the Weekly Time Report for your file, or as instructed by your division director, and
  - send the original form to Payroll.
- If overtime leave (1 ½ times leave) is required,
  - have the employee also complete a Leave Activity Reporting form in addition to the Weekly Time Report,
  - sign and make a copy of the Leave Activity form, and
  - attach the copy of the Leave Activity Reporting form to the original weekly Time Report and place in your supervisory/manager file, and send the original Leave Activity Reporting form to the Leave Coordinator in your division for entering data into CIPPS.



## **E. Guidelines for Managers When Adjusting Non-Exempt Employee Work Schedules**

### **General**

Management can adjust an employee's work schedule temporarily within a workweek to avoid overtime liability or to meet operational needs. At management's discretion, employees' schedules can be adjusted to meet the employees' personal needs (Source State DHRM Policy 1.25, Hours of Work, dated, 11/10/2004).

### **1. Substituting Work Hours for Leave Taken in the Same Workweek**

An employee taking approved annual or sick leave during a given workweek may also be asked to work additional hours during that same workweek. With the approval of the employee, the agency may substitute the additional hours worked for the hours of leave taken, thus reducing or eliminating the need for the employee to use leave. Managers should be cautious when changing the kind of leave requested by an employee and approved by the supervisor, and should ensure that employees are able to use their leave as intended within the business demands of the agency. For example, it is not acceptable for an agency to substitute compensatory leave for sick or annual leave without the employee's permission (Source State DHRM Policy 1.25, Hours of Work, dated, 11/10/2004).

### **2. Employee's Responsibility**

- complete the Weekly Time Report on a daily basis,
- for the date extra hours are worked, enter in the column "number of Hours to Substitute Offset Absence On", the number of substitute hours and the date to which the substitution applies, e.g., "2 hrs for 04-11-05", and
- sign the form, make a copy for your file, and give the original to your supervisor at the end of each workweek.

**Reminder:** This may require the employee and supervisor to resubmit a new Leave Activity Reporting form to the division Leave Coordinator.

### **3. Manager/Supervisor's Responsibility**

- review the Weekly Time Report for discrepancies, and
- sign and maintain the Weekly Time Report in the supervisor/manager file (if there is no disagreement in hours worked), or as instructed by your division director.
- If there is disagreement in the hours worked as recorded by the employee, clarify concerns with employee, then make changes to the Weekly Time Report, initialing and dating. Maintain the form in the supervisor/manager file or as instructed by your division director.
- If the employee has submitted a leave form, you have signed and forwarded to your division's leave coordinator, you will need to coordinate this change with the division's leave coordinator.

## **F. Required Recording of Hours Worked by Exempt Employees - General**

***Receipt of straight-time pay or straight-time compensatory leave requires prior authorization by the supervisor/manager***

**1. When Requesting Straight-time Pay**

- complete the [Weekly Time Report](#) form inserting the hours of straight-time pay only in those workweeks in which straight-time pay is authorized, and
- sign the form, make a copy for your file, and give the original to your supervisor/manager at the end of the workweek

**2. When Requesting Straight-time Compensatory Leave**

- completion of the Weekly Time Report is not required
- complete the [Leave Activity Reporting form](#), sign and give this form to your manager at the end of the workweek in which straight-time compensatory leave is authorized

**3 When Requesting On-Call Pay**

- completion of the Weekly Time Report is not required
- complete the [On-Call Pay form](#), sign and give to your supervisor/manager at the end of the workweek

**G. Procedures for Managers of Exempt Employees**

**1. When Authorizing Straight-Time Pay**

- make a copy of the Weekly Time Report for your file, or as instructed by your division director and
- send the original Weekly Time Report form to Payroll

**2. When Authorizing Straight-Time Leave**

- review the Leave Activity Reporting form for accuracy,
- sign and make a copy of the Leave Activity form and place in your manager file, or as instructed by your division director, and
- send the original Leave Activity Reporting form to the Leave Coordinator in your division for entering data into CIPPS.

**3. When Authorizing On-Call Pay**

- review the On-call Pay form for accuracy,
- sign and make a copy of the On-Call Pay form and place in your manager file, or as instructed by your division director, and
- send the original On-Call Pay form to payroll

## **2.17 STANDARDS OF CONDUCT**

### **APPLICATION:**

Positions covered under the Virginia Personnel Act include full-time and part-time classified, restricted, and “776” employees. Although the Virginia Personnel Act does not cover probationary, wage (P-14), and other employees, the Standards of Conduct shall serve as guidelines for evaluating such employees’ behavior.

### **PURPOSE:**

To promote the well being of Virginia Department of Social Services’ (VDSS) employees in the work place, and to maintain high standards of professional conduct and work performance. Accordingly, this policy prescribes standards for professional conduct, identifies behavior that is unacceptable, and sets forth corrective actions that may be imposed when there is a need to address behavioral and employment problems.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the VDSS, supercedes VDSS SOP P-19, dated September 15, 1979. The VDSS’ Director of the Division of Human Resource Management (DHRM), or designee, is responsible for the agency’s interpretation of this SOP and for its revision or rescission.

#### **2.17.1 Definitions**

1. **Corrective Action**  
Any action taken by VDSS management to address unacceptable performance and/or behavior. Corrective action may range from informal action, such as counseling, to formal disciplinary action, such as suspension.
2. **Counseling**
  - **Informal Discussion**  
Counseling that typically consists of a discussion between an employee and his/her supervisor regarding problems with the employee’s work performance and/or behavior. This type of counseling may or may not be documented in a written memorandum.
  - **Interim Evaluation**  
Counseling, particularly when related to work performance, which may be a part of an interim evaluation.
3. **Disciplinary Action**  
Action taken in response to an employee’s behavior. Disciplinary action may take the form of:
  - Counseling memorandum;
  - Written notice only;
  - Written notice with suspension; or
  - Written notice with termination.
4. **Standards of Conduct**  
Guidelines for acceptable work performance and appropriate work place behavior.
5. **Suspension**

An employee's absence from work, without pay, that VDSS management imposes as a part of a disciplinary action and/or to remove the employee from the work place pending an investigation related to his/her conduct or due to court action.

6. Unacceptable Standards of Conduct

Unacceptable work performance and inappropriate work place behavior for which specific disciplinary action is warranted.

7. Workweek

A fixed span of time consisting of seven consecutive 24-hour periods. The week may begin on any day of the week; it need not be a calendar week. Full-time employees normally work a five-day, 40-hour schedule during a workweek. The employee's supervisor sets the workweek for each employee.

### **2.17.2 Standards of conduct**

The following standards are not all-inclusive. These standards are intended to be illustrative of the minimum expectations for acceptable work performance and appropriate work place behavior.

1. Planned And Unplanned Absences Shall Be Reported Promptly.

- Each employee is expected to work as scheduled. If an employee cannot work as scheduled, the employee should follow the procedures listed below:

(1) Planned Absence

An employee should report a planned absence, including a late arrival or early departure, to their supervisor in advance. It is best to obtain signatory approval on a Leave Activity Reporting Form *prior* to taking leave.

(2) Unplanned Absence

An employee should report an unplanned absence, including late arrival or early departure, to their supervisor. A completed Leave Activity Reporting Form should be submitted to their supervisor on the same day as the need for late arrival or early departure occurs. When an employee's unplanned absence is of longer duration than part of a day, then the completed Leave Activity Form should be submitted on the day that the employee returns to work.

Whenever an employee must unexpectedly be absent, the employee shall inform the supervisor of the absence on each day of occurrence. If an employee needs to take an entire day, the employee shall report that to the supervisor no later than one hour from the scheduled time to begin working. The report should not be made to anyone other than the supervisor, unless the supervisor is unavailable.

2. Overtime Shall Be Worked Only When Authorized.

Upon request by the supervisor, any employee should work overtime hours as needed. No employee, including both non-exempt and exempt employees, as defined by the Fair Labor Standards Act, should voluntarily work any overtime without advance authorization from the employee's supervisor.

3. Satisfactory Work Performance is Expected of Each Employee.

Every employee is expected to meet their established performance standards as set forth in the Employee Work Profile. Each VDSS employee with supervisory responsibilities should assist the employee's subordinates in understanding the expectations of the Standards of Conduct and the Employee Work Profile.

4. Circumstances Affecting Work Performance Shall Be Reported to the Supervisor.  
**[REVISED 8/18/03]** If a condition exists which, in reality or in appearance, adversely affects an employee's ability to perform work satisfactorily, or the agency's ability to carry out its mission (this includes any time they are arrested by law enforcement agencies or are a party to a pending court action), the employee shall report it promptly to the supervisor. This shall include personal or work-related circumstances. Also, if the employee does not fully understand any work instructions received from the supervisor or others or does not comprehend procedures, then the employee shall be responsible for seeking clarification that will enable the employee to perform work in a satisfactory manner.
5. Compliance with the policies of the Virginia Department of Human Resource Management (VDHRM) and VDSS is required.  
Each employee is expected to comply with all policies promulgated by the VDHRM and VDSS.
6. An Employee Shall Observe All Policies And Procedures Pertaining To Non-VDSS Employment.
  - Employment Restrictions  
A VDSS employee may not engage in employment with any other employer (public or private) or be self-employed that is:
    - (1) During the hours for which the employee is employed to work in a VDSS position;
    - (2) Outside of the employee's standard VDSS work hours if the supervisor determines that the other employment is adversely affecting the employee's VDSS work performance; and/or
    - (3) Outside of the employee's standard VDSS work hours if the supervisor determines that the other employment is in violation of the Virginia Conflict of Interests Act.
  - Reporting Other Employment  
Whenever an employee is considering accepting non-VDSS employment, including self-employment, while retaining their VDSS position, the employee shall submit a completed "Request for Permission to Secure Employment Outside of the Virginia Department of Social Services" to their immediate supervisor. This form can be obtained from the Benefits Section of the VDSS DHRM. Signatory approvals of the immediate supervisor, the division or regional office director, and the Human Resource Director must be obtained prior to the start date of the outside employment.
  - No property owned by or under contract to VDSS may be used for work with other employers.

### ***2.17.3 Removal due to certain circumstances, which prevent an employee from performing assigned duties and responsibilities***

1. Inability to Meet Working Conditions

If an employee is unable to meet certain work conditions of employment, then the employee may be removed. Such reasons may include:

- Loss of driver's license when possession of a license is required for performance of job duties and responsibilities;
- Incarceration for a period for more than 30 calendar days;
- Loss of certification or license required for the job; or
- Conviction of a misdemeanor crime of domestic violence for employees whose jobs require carrying a firearm or require authorization to carry a firearm. A "misdemeanor crime of domestic violence" means an offense that:
  - (1) Is a misdemeanor under federal or state law; and
  - (2) Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as spouse, parent, guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.  
(Reference Title 18, U.S. Code, section 922(g)(9).)
- Reporting of Removal in Personnel Management Information System (PMIS)  
If an employee is removed under section "2.17.3 *Removal due to certain circumstances, which prevent an employee from performing assigned duties and responsibilities*" above, such removal, if not a resignation, shall be reported in PMIS as "remove" with a description of the circumstances written on the transmittal document.

2. Due Process

Prior to removal, the employee's hiring authority and/or DHRM staff gathers full documentation to support such action and shall notify the employee, verbally or in writing, of the reasons for the removal. The employee shall be given a reasonable opportunity (usually five work days) to respond to the charge. Final notification of removal should be in writing via a memorandum or letter, not by use of a Written Notice form.

**2.17.4 Unacceptable standards of conduct (offenses)**

1. Examples of Offenses Are Not All Inclusive

The unacceptable standards of conduct (offenses) listed herein are not all inclusive. They are examples of behavior for which specific disciplinary actions may be warranted. Accordingly, any offense which undermines the effectiveness of VDSS' operations may be considered unacceptable and treated in a manner consistent with the provisions of this section.

2. Examples of Offenses Grouped According to Severity

The offenses are organized into three groups according to the severity of behavior. Group I is the least severe, Group III the most severe. *Refer to section 2.17.5 for additional information regarding the procedures for implementing disciplinary action related to Group I, II, and III offenses.*

▪ Group I

- (1) Unsatisfactory attendance or excessive tardiness.

- (2) Abuse of state time (for example, unauthorized time away from the work area, use of state time for conducting personal business, and abuse of sick leave).
  - (3) Use of obscene or abusive language.
  - (4) Inadequate or unsatisfactory work performance.
  - (5) Disruptive behavior.
  - (6) Conviction of a moving traffic violation while using a state-owned or other public-use vehicle.
  - (7) Violation of SOP section "2.1 ALCOHOL AND OTHER DRUGS."
  - (8) Violation of SOP section "2.8 HARASSMENT."
  - (9) Violation of HR section "2.6 EQUAL EMPLOYMENT OPPORTUNITY."
- Group II  
Group II offences include acts and behavior which are more severe in nature than Group I offenses. Two Group II offenses normally should warrant removal. Group II offences include acts and behavior which are more severe in nature than Group I offenses. Two Group II offenses normally should warrant removal.
    - (1) Failure to follow a supervisor's instructions, perform assigned work, or otherwise comply with established written policy.
    - (2) Violating a safety rule where there is not a threat of bodily harm.
    - (3) Leaving the work site during work hours without permission.
    - (4) Failure to report to work as scheduled without giving proper notice to supervisor.
    - (5) Unauthorized use or misuse of state property or records.
    - (6) Refusal to work overtime hours as required.
    - (7) Violation of SOP section "2.1 ALCOHOL AND OTHER DRUGS" (considered a Group II offense depending upon the nature of the violation, such as reporting to work when impaired by or under the influence of alcohol or the unlawful use of a controlled drug).
    - (8) Violation of SOP section "2.6 EQUAL EMPLOYMENT OPPORTUNITY."
    - (9) Violation of SOP- section "2.8 HARASSMENT" (considered a Group II offense depending upon the nature of the violation).
  - Group III  
Group III offenses include acts and behavior of such a serious nature that the first occurrence normally should warrant removal.
    - (1) Absence in excess of three days without proper authorization or a satisfactory reason.
    - (2) Falsifying any records, including, but not limited to, vouchers, reports, insurance claims, time records, leave records, or other official state documents.
    - (3) Willfully or negligently damaging or defacing state records, state property, or property of others (including, but not limited to, employees, supervisors, customers, and visitors).

- (4) Theft or unauthorized removal of state records, state property, or the property of others (including, but not limited to, employees, supervisors, customers, and visitors).
- (5) Gambling on state property or during work hours.
- (6) Fighting and/or other acts of physical violence.
- (7) Violating safety rule where there is a threat of physical harm.
- (8) Sleeping during work hours.
- (9) Participating in any kind of work slowdown or similar concerted interference with state operations.
- (10) Unauthorized possession or use of firearms, dangerous weapons, or explosives.
- (11) Threatening or coercing persons associated with any state agency (including, but not limited to, employees, supervisors, customers, and visitors).
- (12) Criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such nature that to continue the employee in his/her position could constitute negligence in regard to VDSS duties to the public and other state employees.
- (13) Failure of an employee whose job requires carrying a firearm or authorization to carry a firearm to report conviction for a "misdemeanor crime of domestic violence."
- (14) Violation of SOP-section "2.1 ALCOHOL AND OTHER DRUGS" (considered a Group III offense depending on the nature of the violation, such as the use of alcohol or unlawful use or possession of a controlled drug while on the job).
- (15) Violation of SOP-section "2.6 EQUAL EMPLOYMENT OPPORTUNITY." (considered a Group III offense depending upon the nature of the violation).
- (16) Violation of SOP-section "2.8 HARASSMENT" (considered a Group II offense depending upon the nature of the violation).

#### **2.17.5 Corrective action**

1. **When to Use Corrective Action**  
As soon as a supervisor becomes aware of an employee's unacceptable work performance or inappropriate work place behavior or commission of an offense, the supervisor and/or his/her superiors should use corrective action to address the problem.
2. **Choice of Corrective Action**  
The choice of corrective action is dependent upon the nature of the employee's unacceptable work performance or inappropriate work place behavior or commission of an offense. Management should apply corrective action consistently, taking into consideration the specifics of each individual case.
3. **Types of Corrective Action**
  - Supervisor may recommend professional counseling



Prior to the need for, or in addition to taking another form of corrective action, a supervisor may recommend to an employee that he/she seek the services of a professional counselor for assistance in resolving a problem that is affecting the employee's work performance or work place behavior.

- Supervisor may counsel

- (1) Type of counseling

Counseling delivered by the supervisor should consist of a private discussion between the employee and the supervisor regarding the desired course of action to improve the employee's work performance and/or work place behavior. The supervisor should state clearly his/her expectations of the employee.

- (2) Documentation of the counseling

This type of counseling may be documented in writing in a letter or memorandum, but it may not be written on a Written Notice form.

- (3) Retention of counseling records

The supervisor should retain counseling documentation in his/her files, not in the employee's personnel file, except as necessary to support subsequent formal disciplinary action.

- Supervisor may take disciplinary action

- (1) Types of disciplinary action

A supervisor should use disciplinary action in response to the commission of offenses. Such action may consist of:

- A Written Notice;
- A Written Notice and suspension;
- A Written Notice and a transfer;
- A Written Notice and demotion; and/or
- A Written Notice and discharge.

- (2) Timeliness

The supervisor should issue a Written Notice as soon as possible after an employee commits an offense.

- (3) Active life of a Written Notice

The severity of a Written Notice depends upon the type of offense for which it is issued, and is measured by the period for which it is "active." These active periods are definite and may not be extended due to an employee's absence.

Type of Written Notice	Active Period from Date of Issuance to Employee
I	2 years
II	3 years
III	4 years

- (4) Inactive Written Notice

An inactive Written Notice shall not be considered when determining an employee's accumulation of Written Notices, or when determining the appropriate disciplinary action for a new offense.

- (5) Retention of Written Notices and exceptions to the requirement Written Notices shall be kept in the employee's personnel file. Exceptions to this requirement are listed below:
  - A Written Notice may be removed from an employee's file if the Written Notice is modified or the disciplinary action is vacated. If, as a result of the grievance process, it is determined that the Written Notice issued was not justified, the grievance panel may direct its removal from the employee's personnel file.
  - When a Written Notice is removed from an employee's personnel file due to any exception to the retention requirement, it shall not be destroyed. It shall be retained in a grievance file or separate confidential file.
  - When a Written Notice is removed from an employee's personnel file due to any exception to the retention requirement, it shall not be considered in relation to any future disciplinary or other personnel action, i.e., it shall not be counted toward the accumulation of active Written Notices.

#### **2.17.6 Mitigating Circumstances**

1. While the disciplinary actions imposed shall not exceed those set forth in this policy for specific offenses, the disciplinary action may be reduced if there are mitigating circumstances such as:
  - Conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity; or
  - An employee's long service or otherwise satisfactory work performance.
2. Alternatives to discharge
  - Mitigating circumstances may result in an employee's demotion, transfer, and/or suspension as an alternative to discharge.
  - When suspension is determined to be the appropriate alternative to discharge, it shall not exceed 30 workdays for a Group III offense or for an accumulation of four Group I and two Group II offenses.

#### **2.17.7 Disciplinary Actions for Specific Offenses**

1. Group I offenses

The normal disciplinary action for a Group I offense is the issuance of a Written Notice.

  - Accumulation of Written Notices for Group I offenses
    1. Upon the accumulation of three active Written Notices for Group I offenses, the employee should be suspended without pay for no more than five workdays.
    2. A fourth active Written Notice for a Group I offense normally should result in discharge, except that mitigating circumstances may justify the

transfer or demotion of the employee. It also may justify a suspension of the employee for up to 30 workdays as an alternative to discharge.

2. Group II offenses

The normal disciplinary action for a Group II offense is the issuance of a Written Notice only, or a Written Notice and suspension without pay of the employee for up to ten workdays.

▪ Cumulative Written Notices

(1) A second active Group II Written Notice normally should result in discharge of the employee.

(2) A Group II Written Notice following three active Group I Written Notices normally should result in discharge of the employee.

▪ Mitigating circumstances

2. Mitigating circumstances related to an employee's commission of a second Group II offense may result in the employee's demotion or transfer. The employee also may be suspended for up to 30 workdays as an alternative to discharge.

3. If an employee is not discharged due to mitigating circumstances, he/she should be notified that a subsequent Written Notice for any level of offense during the active life of the Group II Written Notice may result in discharge.

3. Group III offenses

The normal disciplinary action for a Group III offense is the issuance of a Written Notice and discharge.

▪ Mitigating circumstances

(1) Mitigating circumstances related to an employee's commission of a Group III offense may result in the employee's demotion (role change) or transfer. The employee also may be suspended for up to 30 workdays.

(2) If an employee is not discharged due to mitigating circumstances, he/she should be notified that any subsequent Written Notice for any level of offense during the active life of the Group III Written Notice may result in discharge.

**2.17.8 Due Process**

There is an established course of action related to disciplinary suspension, demotion (role change), transfer, or discharge.

1. Role of Human Resource Director Senior

Prior to any action being taken, the Human Resource Director Senior in the VDSS Division of Human Resource Management or designee shall be responsible for:

- reviewing all disciplinary actions involving suspension, demotion (role change), transfer, or discharge to determine whether mitigating circumstances exist that warrant a modified disciplinary action and/or the recommendation that the employee seek professional counseling; and
- providing to the Commissioner recommendations pertaining to appropriate disciplinary action.

2. Advance notification to the employee  
Prior to any disciplinary suspension, demotion (role change), and/or transfer and prior to a disciplinary removal action, the employee must be given oral or written notification of the offense, an explanation of the evidence in support of the charge, and a reasonable opportunity to respond (usually five work days).
3. Employee response to the advance notification  
The employee has the option of responding to the notification. He/she may present information in response to the evidence provided in the notice.
4. Exception to the advance notification requirement
  - An employee may immediately remove an employee, with pay, from the work area without providing advance notification when the employee's continued presence:
    - (1) May be harmful to the employee, other employees, customers, or the public;
    - (2) Makes it impossible for business to be conducted; or
    - (3) May constitute negligence in regard to VDSS' responsibility to its employees and/or the public.
  - As soon as possible after an employee's removal from the work area for any of the reasons stated above, management must provide the employee:
    - (1) Notification of the intended disciplinary action;
    - (2) Evidence of the offense for which the disciplinary action is being contemplated; and
    - (3) A reasonable opportunity to respond before taking any disciplinary action.

#### **2.17.9 Procedures Related to Suspensions**

1. Suspensions of FLSA exempt employees (revised 11/10/2004 in accordance with information provided from State Department of Human Resource Management.
  - Exempt employees' salaries may not be reduced as the result of a suspension except as described in this section. Employees should be reimbursed promptly for any disciplinary salary reductions that are non-compliant.
  - Disciplinary suspension of an exempt employee for an infraction of a safety rule of major significance may be applied for less than a full workday or workweek. Safety rules of major significance are defined as provisions intended to prevent serious danger to the workplace or to other employees, such as prohibiting smoking in explosives plants, oil refineries, and coalmines.
  - If an exempt employee is suspended for disciplinary reasons (Written Notice issued) related to a violation of workplace conduct (e.g., inappropriate conduct, including harassment, violations of drug or alcohol policies, or violations of federal or state laws) the suspension shall be not less than a full workday. Suspensions of more than one workday must be in multiples of full workdays, e.g., a three-day (24 hour) suspension for an employee assigned to 8-hour workdays, or a three-day (30 hour) suspension for an employee assigned to 10-hour workdays. If it becomes necessary to remove an exempt employee from

the workplace for a partial workday due to the employee's misconduct, the employee must be paid for that partial day's absence.

- If an exempt employee is suspended pending an investigation by the agency or by law enforcement, or pending a court action, the employee must be paid for any partial workweek suspensions. Full workweeks of suspension pending investigation are unpaid.
- If an exempt employee is suspended for disciplinary reasons (Written Notice issued) related to the employee's attendance or performance problems unrelated to workplace conduct, the suspension shall be not less than a full workweek. Suspensions of more than one workweek will be in multiples of full workweeks, e.g., a three-week (120-hour) suspension. An employee may not be permitted to serve a suspension related to attendance or performance other than in whole workweek segments. Less serious violations in these areas should be addressed by other means of discipline reserving suspension for the most serious or repeated violations.

Example: An employee's workweek is Sunday midnight through 11:59 p.m. the following Saturday. His normal work schedule is Monday through Friday, 8:00 a.m. to 4:45 p.m. His disciplinary suspension for poor attendance or performance can be Monday through Friday, 8:00 a.m. to 4:45 p.m. It is not appropriate for the disciplinary suspension to be Tuesday through Monday of the following week as this could affect the employee's exemption status under the Fair Labor Standards Act; nor is it appropriate for this employee's suspension to be less than a workweek.

Although probationary employees are not covered by this policy, the FLSA rules for suspension do apply.

## **2.18 TELECOMMUTING**

### **APPLICATION:**

Full-time and part-time classified, and “at will” employees.

### **PURPOSE:**

Permits agencies to designate employees to work at alternate work locations for all or part of their workweek in order to promote general work efficiencies.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the Virginia Department of Social Services (VDSS) is an adaptation of [Policy 1.61](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. The Director of the VDHRM is responsible for official interpretation of this policy, in accordance with Section 2.1-114.5 (13) of the Code of Virginia. The Director of the VDSS’ Division of Human Resource Management (DHRM), or designee, is responsible for the agency’s interpretation of this SOP and for its revision and rescission.

### **2.18.1 Definitions**

#### **2.18.1.1 Alternate Work Location**

Approved work sites that may include employees’ homes and satellite offices where official state business is performed.

#### **2.18.1.2 Central Workplace**

An employee’s usual place of work.

#### **2.18.1.3 Telecommuter**

An employee who works away from his/her central workplace part of the workweek, either at home or at another agency-designated or approved remote work location.

#### **2.18.1.4 Telecommuting**

A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms.

#### **2.18.1.5 Work Agreement**

The written agreement that details the terms and conditions of an employee’s work away from his/her central workplace.

#### **2.18.1.6 Work Schedule**

The employee’s hours of work in the central workplace and in alternate work locations.

### **2.18.2 General provisions**

Each agency that permits telecommuting must establish internal policies and procedures related to telecommuters.

#### ***2.18.2.1 Agency Designates Position/Employee***

The VDSS' Senior Management Staff has discretion to designate:

- Positions with job duties that can be performed at alternate work locations; and
- Those employees who are eligible to become telecommuters.

To the extent possible, the Senior Management and the employee should mutually agree upon telecommuting arrangements. However, the VDSS may require employees to telecommute if there is a business necessity for doing so. A copy of the telecommuting work agreement will be approved and filed with the VDSS/DHRM prior to implementation.

#### ***2.18.2.2 Conditions of Employment***

Policies and procedures that normally apply to the workplace remain the same.

Telecommuting assignments do not change the conditions of employment or required compliance with policies.

#### ***2.18.2.3 Compensation and Benefits***

An employee's compensation and benefits will not change when he/she telecommutes.

#### ***2.18.2.4 Hours of Work***

The total number of hours that employees are expected to work will not change, whether they are worked at the central or at the alternate work location. The VDSS' Senior Management Team must ensure that procedures are in place to track the work hours of employees who telecommute and to document the hours worked by employees covered by the Fair Labor Standards Act.

Employees agree to apply themselves to their work during work hours. Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care.

#### ***2.18.2.5 Supervision***

Supervisors may require telecommuters to report to a central workplace as needed for work-related meetings or other events or may meet with the telecommuter in the alternate work location as needed to discuss work progress or other work related issues.

#### ***2.18.2.6 Restricted-access Materials***

VDSS' supervisors must grant permission in writing for telecommuters to work on restricted-access information or materials at alternate work locations. Telecommuters must agree to follow agency-approved security procedures in order to ensure confidentiality and security of data.

#### ***2.18.2.7 Termination of Agreement***

The VDSS may terminate the telecommuting agreement at its discretion with two weeks' notice, unless extenuating circumstances exist.

#### **2.18.2.8 Work Agreements**

The VDSS' Senior Managers and employees must agree to the terms of telecommuting before an employee is permitted to work at an alternate work location.

#### **2.18.2.9 Agency Responsibility**

Work performed in alternate work locations is considered official state business; therefore, this agency may establish specific conditions that apply to employees working in alternate locations. This agency may want to include the conditions listed below in work agreements (also, see the [Telecommuting Work Agreement](#)):

- The duration of the agreement;
- The work schedule and how it can be changed;
- How leave will be requested and approved by the supervisors;
- How routine communication between the employee, supervisor, co-workers, and customers will be handled;
- Employee's performance plan/expectations;
- The equipment and/or supplies that will be used, and who is responsible for providing and maintaining them;
- Any applicable data security procedures; and
- Safety requirements and how inspections will be handled (See the [Telecommuting Work Agreement](#)).

The VDSS may wish to include additional conditions in its work agreements, as it deems necessary.

The VDSS may be liable for job-related injuries or illnesses that occur during employees' agreed-upon work hours in their alternate work locations.

#### **2.18.2.10 Employee Responsibility**

Conditions that the VDSS may require of employees include the following:

- To comply with State and VDSS rules, policies, practices and instructions;
- To use VDSS provided equipment/supplies only for business purposes, and to notify this agency immediately when equipment malfunctions;
- To notify their supervisors immediately of any situations which interfere with their ability to perform their jobs;
- To practice the same safety habits they would use in the VDSS and to maintain safe work conditions;
- To allow designated agency persons to inspect the alternate work location during established work hours to determine that the work space is safe and free from hazards;
- To notify the VDSS immediately of any injury incurred while working;
- To absolve the agency from liability for damages to real or personal property resulting from participation in the telecommuting program; and
- To be responsible for the security of information, documents, and records in their possession or used during telecommuting, and not to take restricted-access material home without the written consents of their supervisors.



These conditions/requirements also may be included in work agreements.

### **2.18.3 Use of State Equipment/ Supplies**

#### **2.18.3.1 Telephones**

Costs – The VDSS will use appropriated funds to pay for leased telephone lines, installation, and basic service in telecommuters' alternate work locations.

The VDSS will reimburse employees for business-related long distance calls made from their personal telephones.

#### **2.18.3.2 State-owned Equipment**

- Authorized use/users - State-owned equipment may be used only for legitimate state purposes by authorized employees who have prior supervisory approval, and who are responsible for protecting it from damage and unauthorized use.
- Maintenance - State-owned equipment, used in the normal course of employment, will be maintained, serviced, and repaired by the state.
- Transporting/Installing – This agency must stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.

#### **2.18.3.3 Employee-owned Equipment**

Telecommuters may not use their own equipment. The VDSS will not assume responsibility for the cost of equipment not provided by the agency, or for its repair or service.

## **2.19 TEMPORARY HELP**

### **APPLICATION:**

All temporary help personnel [P-14 or contractual (clerical and industrial only)].

### **PURPOSE:**

The Virginia Department of Social Services (VDSS) has a continuing need for wage (hourly) or temporary employees. Wage employment covers seasonal or temporarily excessive workloads, interim replacement, short-term project, or jobs that do not require classified employees. This policy defines wage employment and outlines the job conditions, benefits and compensation for these employees.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by VDSS, is an adaptation of [Policy 2.20](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1, of the Code of Virginia. This SOP supercedes VDSS SOPs P-2 and P-11 governing the employment of hourly employees dated July 22, 1975, and November 17, 1980, respectively. The Director of the Virginia Department of Social Services' Division of Human Resource Management (VDSS/DHRM), or designee, is responsible for the agency's interpretation of this SOP and for its revision or rescission.

#### **2.19.1 Recruitment for wage positions**

Applicants for wage position must possess the same qualifications as those required for similar classified positions. Equal employment opportunity and affirmative action practices apply to hourly employment. The extent of hourly employment in an office, division, or unit will depend on funding availability and justification for establishing such a position(s).

#### **2.19.2 Benefits and conditions of wage employment**

- Wage employees are classified within the Career Group Roles of the State's Classified Compensation System and are compensated similarly to classified staff performing comparable duties within applicable pay practices and considering applicable pay factors.
- Wage employees are paid for hours physically worked (both regular and approved overtime).
- Some wage employees may be subject to background investigations and must complete a Selective Service Form as a condition of employment.
- All wage employees must complete an Employment Eligibility Form (I-9) within three days of employment as a condition of employment.
- Wage employees are covered under the Commonwealth's Workers' Compensation Act.
- Wage employees are not eligible for participation in the state's life insurance, retirement, or deferred compensation programs.
- Wage employees may purchase health insurance through payroll deduction if they work an average of 20 hours or more per week for at least six months.

- Wage employees may apply for classified positions. However, if hired into a classified position, wage service is not credited towards State service. The provisions of the Virginia Personnel Act do not cover wage employees. They serve at the will of the agency and do not have access to the employee Grievance Procedure.

### **2.19.3 To hire a wage employee**

- The hiring authority completes the agency's Request for Temporary Assistance for submission to the Office of the Secretary of Health and Human Resources by the VDSS/DHRM. Also included are (a) an Employee Work Profile; (b) an organizational chart, and (c) a justification statement. ***NOTE: Wage positions that are 100% federally funded do not require submission to the Office of the Secretary of Health and Human Resources.***
- VDSS/DHRM notifies the hiring authority of the Secretary's Office approval.
- Once approved, their VDSS/DHRM team provides recruitment services, if requested. If the hiring authority wishes to advertise the position in a newspaper, the hiring authority's division is responsible for the cost of the ad.
- The hiring authority interviews applicant(s), completes the Compensation Decision Worksheet, and submits forms and documentation to their VDSS/DHRM team.
- Their VDSS/DHRM team reviews the selected candidate for possession of minimum qualifications and requested starting hourly rate.
- Once their VDSS/DHRM team has contacted the hiring authority, they may proceed to make the offer to the successful candidate and coordinate the completion of the new employee paperwork.

### **2.19.4 Compensating wage employees**

#### **2.19.4.1 Starting Pay**

- Starting pay is negotiable between the minimum of the pay band up to 15% above the applicant's current hourly rate. The negotiated rate may result in a decrease from the applicant's current or most recent hourly rate. Starting pay may not exceed the pay band maximum or that of other similarly situated classified positions within the same unit.
- The hiring authority consults with the VDSS/DHRM prior to completing the Compensation Decision Worksheet (CDW).

#### **2.19.4.2 Role Change**

- An upward Role change occurs when a position is changed to a different Role in a higher or lower pay band.
- The supervisor/manager consults with VDSS/DHRM prior to completing the agency's Compensation Decision Worksheet (CDW), and Personnel Transaction form.
- All forms and documentation are sent from the immediate supervisor/manager to the division director for approval. If approved by the division director, all forms and documentation are sent to their executive management member (EM) for approval.

If approved by their EM, the forms and documentation are forwarded to the agency Budget Office, who then forwards to the VDSS/DHRM for evaluation.

- The agency VDSS/DHRM conducts a job analysis and notifies the manager or supervisor and the EM of its findings and recommendations.

#### ***2.19.4.3 In-Band Adjustment***

- The supervisor/manager consults with the VDSS/DHRM prior to completing the agency's Compensation Decision Worksheet (CDW), and Personnel Transaction form.
- All forms and documentation are sent from the immediate supervisor/manager to the division director for approval. If approved by the division director, all forms are sent to their EM for approval, who then forwards the action to the agency Commissioner.
- If approved by the agency Commissioner, all forms and documentation are forwarded to the agency Budget Office, who then forwards to the VDSS/DHRM.

#### ***2.19.5 Wage employment limitations***

Regardless of funding source, wage employees are limited to working no more than 1,500 hours per agency per year including regular and overtime hours, and student hours. The year is defined as a period of 365 consecutive days starting on the employee's first workday. A new year begins after the previous 365-day period has expired. If the workload permits, divisions are encouraged to schedule wage employees at 30 hours per week or less to allow for continuous employment. Supervisors/managers are responsible for monitoring the 1,500-hour limitation. Upon reaching the maximum 1,500 hours, the employee may not work again until the full 365-consecutive-day period has ended. A wage employee, whose 1,500-hour allotment has been exhausted, cannot be rehired into another hourly position within the agency before the expiration of the 365-day period.

##### ***2.19.5.1 To Request an Extension of the 1500-Hour Limit:***

The hiring supervisor will prepare a Decision Memorandum for submission to the Office of the Secretary of Health and Human Resources by the VDSS/DHRM. Also included are (a) an Employee Work Profile, and (b) organizational chart, and (c) a justification statement.

##### ***2.19.5.2 To Request a Renewal of the 1500-Hour Limit:***

The hiring supervisor will prepare a decision memorandum for submission to the Office of the Secretary of Health and Human Resources through the VDSS/DHRM. This package will consist of: (a) a position description; (b) an organizational chart; and (c) list of duties.

#### ***2.19.6 Contractual employees (clerical/industrial only)***

##### ***2.19.6.1 Contract Provisions***

- Temporaries (clerical/industrial only) are employees of the Contractors. The Contractors are responsible for all payroll taxes, workers' compensation, payroll

reports, and other employer Federal and State requirements for temporary personnel.

- This agency has the right to refuse any temporary personnel supplied by a Contractor for any job-related deficiency.
- Contractors supply all temporary personnel with time cards. Hours worked will be signed on a daily basis by the agency.

***2.19.6.2 To Hire a Contract Employee from a Temporary Help Agency:***

- The hiring authority completes a request for Temporary Assistance form, attaching a job description and submits to VDSS/DHRM.
- VDSS/DHRM reviews the job duties and contacts the appropriate temporary help agency in accordance with the Notice of Contract Award (Department of General Services, Division of Purchases and Supply).
- The hiring authority reviews the responsibilities and job description with the contract employee and monitors/approves the submission of weekly timesheets.
- The hiring authority is responsible for assigning a Purchase Order number and payment of invoices for the services provided by the temporary employee.

***2.19.7 Recruitment and Selection Process***

See VDSS/DHRM policy “2.15 RECRUITMENT, SCREENING AND SELECTION;” and Wage (Hourly) Employment, page 31 of the Salary Administration Plan.

***2.19.8 Performance Management Process***

See VDSS/DHRM Performance Management policy, page 14, of the Salary Administration Plan.

## **2.20 TEMPORARY WORK FORCE REDUCTION**

### **APPLICATION:**

Positions covered under the Virginia Personnel Act to include full-time and part-time classified, restricted, and “776” employees.

### **PURPOSE:**

To provide guidance in temporarily reducing employee work hours or to lay off temporarily.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the Virginia Department of Social Services (VDSS), is an adaptation of [Policy 1.65](#) issued by the Virginia Department of Human Resource Management (VDHRM) pursuant to authority provided in Chapter 10, Title 2.1 and Section 2.1-116(A) (16) of the Code of Virginia. This policy supersedes those portions of Policy 1.09, Layoff, effective June 1, 1981, which dealt with Temporary Work Force Reduction.

#### **2.20.1 Definition of employees covered under the Virginia personnel act**

##### **2.20.1.1 Classified Employees**

Employees who occupy positions within the occupational classes that are listed in the Commonwealth’s Compensation Reform Plan, and who are covered by the Virginia Personnel Act, as found in Chapter 10, Title 2.1 of the Code of Virginia, once they have completed the probationary period.

##### **2.20.1.2 Restricted Employees**

Employees whose positions receive 10 percent or more of required funding from non-continuous or non-recurring funding sources, such as grants, donations, contracts, capital outlay projects, or higher education auxiliary enterprise revenues.

##### **2.20.1.3 “776” Employees**

Employees who are excluded from coverage of the Virginia Personnel Act as established by Section 2.1-116(A) (16) of the Code of Virginia. However, these employees are covered by the policies promulgated by the VDHRM, except as listed in the various policies.

#### **2.20.2 What constitutes a temporary work force reduction**

A temporary work force reduction may consist either of a reduction in employees’ work hours or a layoff for up to four consecutive calendar months in a 365-day period. A temporary work force reduction does not invoke the provisions of section “2.12 LAYOFF.”

##### **2.20.2.1 Reduced Hours**

A temporary work force reduction resulting in reduced hours occurs when an employee’s work hours are reduced, such that the employee works fewer than the regularly-scheduled work hours per pay period and the salary is reduced commensurately.

#### **2.20.2.2 Layoff**

A temporary work force reduction resulting in an employee's layoff occurs when an employee's work hours are eliminated completely, such that the employee works not hours.

#### **2.20.3 Limitation of four consecutive calendar months**

##### **2.20.3.1 Calculation of period**

A temporary work force reduction, resulting in either reduced hours or layoff, begins the day when an employee is first affected by the reduction or elimination of hours, and may not last longer than four consecutive calendar months after such date.

##### **2.20.3.2 Conclusion of period**

- Except as provided below, at the end of four consecutive calendar months, employees who have been on a temporary work force reduction must be returned to their full-time positions.
- If the Commissioner determines that employee's hours must be reduced, or positions eliminated, for longer than four months, the VDSS must adhere to all requirements of section "2.12 LAYOFF."

#### **2.20.4 Determination of employees to be affected by temporary Work force reduction**

Based on the Department's best interests, the Commissioner has the discretion to determine which employees/positions will be affected by a temporary work force reduction.

#### **2.20.5 Notice to affected employees**

##### **2.20.5.1 Written Notice**

The VDSS/DHRM Director must issue a written notice to the affected employee at least two weeks before implementation.

##### **2.20.5.2 Details of the notice to include:**

- The hours, if any, the employee will be scheduled to work;
- The duration of the temporary work force reduction; and
- The status of the employee's benefits during the temporary work force reduction.

#### **2.20.6 Impact of temporary work force reduction on benefits**

During a temporary work force reduction, employee benefits are affected as set forth below.

##### **2.20.6.1 Annual and Sick Leave**

- For employees whose hours are reduced  
Employees will accrue annual and sick leave on a prorated basis, according to the number of hours worked per pay period.

**EXAMPLE:**

An employee whose work hours are reduced during a temporary work force reduction by 50 percent per pay period will earn annual and sick leave at 50 percent of their normal accrual rate.

- Effect on years of service  
Employees whose hours are reduced will receive full service credit during the period of the reduction for the purpose of determining the employees' years of service as they affect the following:
  1. Annual leave accrual rate; and
  2. Eligibility to receive payment for accrued sick leave upon leaving state service.
- Laid off employees as a result of a temporary work force reduction
  1. Leave accrual  
Employees who are on full layoff during a temporary work force reduction will not accrue annual or sick leave.
  2. Effect on years of service  
Employees who are laid off temporarily will receive full service credit during the period, for the purpose of determining the employees' years of service as they affect the following:
    - (1) Annual leave accrual rate; and
    - (2) Eligibility to receive payment for accrued sick leave upon leaving state service.
- Substituting paid leave for the period of temporary work force reduction
  1. Employees may not substitute annual or sick leave for work hours, which have been reduced due to temporary work force reduction.
  2. Previously approved paid leave (sick or annual), which encompasses reduced work hours or temporary layoff will be rescinded as it relates to those reduced hours (i.e., that portion of the leave must be taken without pay).

**2.20.6.2 Holidays**

An employee who is on temporary work force reduction, resulting either in reduced hours or layoff, will be entitled to receive holiday pay or compensatory time for a holiday only to the extent of the number of hours that the employee is scheduled to work that day.

**EXAMPLE:**

If an employee whose hours are reduced is not scheduled to work on Mondays, the employee is ineligible for holiday pay for any holidays that fall on Monday.

**2.20.6.3 Insurance**

- Health insurance  
The VDSS will continue to pay its portion of the health insurance premiums for employees on temporary work force reduction, whether resulting from reduced hours or layoff.
- Life insurance
  1. Agencies will continue to pay the life insurance premiums for employees on temporary work force reduction, whether resulting from reduced hours or



- layoff, based on employees' full-time (pre-temporary work force reduction) compensation.
2. If an employee should die during a temporary work force reduction, the designated beneficiary(s) will be entitled to benefits based on the employee's full-time (pre-temporary work force reduction) compensation.

#### **2.20.6.4 Retirement**

- If an employee on temporary work force reduction, whether resulting from reduced hours or layoff, earns any pay during a month, the VDSS will make its retirement contribution based on the amount earned, and the employee will receive service credit towards retirement for the entire month.
- If an employee on temporary work force reduction, whether resulting from reduced hours or layoff, has no earnings during a month, the VDSS will not make its retirement contribution and the employee will not receive service credit for the month.

## 2.21 TERMINATION/SEPARATION FROM SERVICE

### OBJECTIVE:

It is the Virginia Department of Social Services' (VDSS) objective to identify the types of separation from state service and their related procedures, and to advise terminating employees of benefits to which they may be entitled.

#### 2.21.1 *Employees to whom policy applies*

This policy applies to positions covered under the Virginia Personnel Act to include full-time and part-time classified

#### 2.21.2 *Types of termination/separation from state service*

[Employee Separation and Transfer Checklist Form](#)

##### 2.21.2.1 *Resignation*

- Resignation is an employee's voluntary separation from state service.
- Advance notice
  1. An employee who plans to resign from state service is asked to give reasonable notice to his or her agency (preferably at least two weeks), along with a written explanation for the resignation.
  2. An employee's failure to give their agency reasonable notice of resignation may be documented on the employee's termination report.
- Withdrawal of resignation  
The employee who wishes to withdraw a resignation must submit a written request to withdraw the resignation no later than one month after the effective date of the proposed resignation and the position must still be vacant. This employee may be continued in his or her position as though the resignation had not been filed, only with the approval of the agency head or designee.
- Involuntary  
A separation that is reported as a resignation but then is found to have been involuntary shall be treated as a discharge. (See section 2.21.2.3 below.)

##### 2.21.2.2 *Retirement*

- No mandatory retirement age  
There is no mandatory retirement age for employees, except for members of the State Police Officers Retirement System who are required to retire upon reaching 70 years of age.
- Disability retirement
  1. Any employee, regardless of years of State service, is eligible to apply for disability retirement while employed or within 90 days after termination, so long as:
    - (1) While employed, the employee acquires a disabling condition that is likely to be permanent, as documented by a physician; and
    - (2) The condition prevents the employee from performing his or her job.

2. The amount of disability benefits will vary according to an employee's years of service and age.
- Early retirement
    1. Employee may take early retirement if he or she:
      - (1) Is at least 55; and
      - (2) Has at least five years of service.
    2. Has less than 30 years of service.
  - Retirement as an alternative when employee becomes unable to perform the job
    1. If an employee becomes mentally or physically incapable of performing his or her job, and there is no reasonable accommodation, including through transfer or demotion to another position, that will enable the employee to perform the job, the agency may require the employee to apply for disability or early retirement.
    2. If an employee such as one described above declines disability or early retirement, the agency may use SOP-section "2.17 STANDARDS OF CONDUCT" to address unsatisfactory performance.
  - For additional information on retirement benefits, consult the Virginia Retirement System's Handbook for Members.

#### **2.21.2.3 Discharge**

Discharge is an employee's involuntary termination from state service, but does not include termination as a result of layoff, which is described at section "2.21.2.4 Separation-Layoff" below.

#### **2.21.2.4 Separation-Layoff**

Separation-layoff is a separation from state service prior to the expiration of leave without pay/layoff, or prior to the return from temporary work force reduction, or because the employee rejected an offer of recall that does not require relocation.

#### **2.21.2.5 Separation-Leave without Pay/Layoff**

Separation-leave without pay/layoff is a separation from state service upon the expiration of the 12 consecutive months of leave without pay/layoff.

### **2.21.3 Benefits upon termination/separation from state service**

In addition to retirement benefits that may be payable to retiring employees, employees separating from state service may be entitled to the following.

#### **2.21.3.1 Payment for Accrued Leave**

Covered employees separating from state service may be entitled to receive payments for accrued annual, sick, compensatory and/or overtime leave, in accordance with the Leave Policies.

#### **2.21.3.2 Health Insurance**

Employees separating from state service may be eligible to continue health insurance coverage and should consult their agency human resource offices in this regard.

#### **2.21.4 Recording date of termination/separation and accrued leave**

##### **2.21.4.1 Employee Not on Leave**

The termination report of an active employee (employee not on leave) shall state the separation date as the last day the employee worked and shall include any amounts to be paid for accrued leave.

##### **2.21.4.2 Employee on Leave**

The termination report of an employee on leave shall state the separation date as the last day that the employee ***was on paid*** leave.

#### **To Separate from State Service**

- The supervisor must forward to DHRM the employee's resignation letter and/or Section 1 of the [Employee Separation and Transfer Checklist Form](#)
- The employee and supervisor are responsible for the completion of the [Employee Separation and Transfer Checklist Form](#)
- The supervisor is responsible for ensuring the termination procedures are followed and leave balances are forwarded to DHRM.
- The DHRM will process paperwork and forward to payroll.

## **2.22 TRAINING AND DEVELOPMENT**

### **APPLICATION:**

All state employees; some human resource management topics apply to local employees

### **PURPOSE:**

It is the objective of the Virginia Department of Social Services (VDSS) to provide equal opportunities for training and development to all state employees. Employees are asked to consult with the Division of Human Resource Management (DHRM) to find appropriate training that will meet individual goals and agency needs. DHRM will also provide specific human resource training to state and local employees for the purpose of educating employees on policies, procedures and human resource computer systems.

### **2.22.1 Definitions**

#### **2.22.1.1 DHRM**

The Division of Human Resource Management at the Virginia Department of Social Services

#### **2.22.1.2 Employees**

The term “employees” will mean state employees. Local agency employees will be referred to as “local employees”.

#### **2.22.1.3 Software Training**

Any training that involves a computer for either Microsoft Office applications or the Local Employee Tracking System.

#### **2.22.1.4 Employee Development Training**

Training that involves soft skills topics (communication, team building, interviewing, etc.) or general computer software applications. It does not include training on agency-specific computer applications.

#### **2.22.1.5 Leadership Development Training**

Training for supervisory, mid-level management or executive management skills.

### **2.22.2 Employee/staff development training**

The areas in which DHRM provides services to state and/or local employees include the following: employee development training, human resource management training, organizational development consultation, and tuition reimbursement.

Employee Development Training involves soft skills topics, such as communication, team building, interviewing, etc., or general computer software applications. It does not include training on agency-specific computer applications or program-specific policies and procedures. The areas of employee development training are listed below.

#### **2.22.2.1 New Employee Orientation**

All new employees (classified and wage employees) are requested to attend New Employee Orientation. Sessions are offered at the Home Office twice each month and usually last about 6-7 hours.

- **Procedure**  
New Employee Orientation Registration Forms are sent to each hiring authority upon DHRM's approval of a new hire and approval of the salary. Hiring authorities are asked to complete the Form, selecting the best date for the candidate to attend, and submit the Form to DHRM by the deadline date. Once DHRM receives the completed Form, confirmation will be sent to the hiring authority via e-mail. Directions to Home Office and a hotel listing will be provided as well.
- **Notification**  
Notification of the New Employee Orientation occurs during the hiring process. The Human Resource Generalist who is working with the hiring authority will provide the New Employee Orientation Registration Form to the hiring supervisor and inform the supervisor of the next available session.
- **Attendance Policy**  
It is the supervisor's responsibility to inform the new employee about Orientation and to allow the employee the time to attend. Supervisors will be notified via e-mail if the employee fails to attend.
- **Training Records**  
Training attendance records are maintained in DHRM for a minimum number of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

#### **2.22.2.2 Software Application Training**

- **Types of Software Application Training**
  1. **Microsoft Office Applications**  
DHRM provides training on the software applications that are used by all employees. These applications include the Microsoft Office products, such as Word, EXCEL, ACCESS, PowerPoint, and Outlook. Class sessions are split into three levels: introduction, intermediate and advanced. They are usually one day in length and are held throughout the state to accommodate field and regional office employees.
  2. **LETS (Local Employee Tracking System)**  
DHRM teaches local employees how to use the human resource computer system, LETS (Local Employee Tracking System). Refresher and beginner courses are held as needed and as requested at Home Office.
  3. **Procedure**  
Employees who would like to register for a software applications class, may complete the Training Registration Form and send it to: **Software Training**,

**VDSS/DHRM, Home Office, Richmond, VA 23219.** A confirmation or denial will be received within two weeks via e-mail.

4. Notification

Class schedules are sent to all employees via e-mail. The DHRM is in the process of publishing a training schedule on the DHRM intranet site, TBD.

5. Attendance Policy

Occasionally, it is necessary for an employee to cancel their participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:

- If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that they are ill;
- Provide a substitute participant; or
- Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via e-mail and the appropriate consequences are discussed.

6. Training Records

Training attendance records are maintained in DHRM for a minimum of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

**2.22.2.3 Soft Skills Training**

The DHRM provides training on general soft skills topics to state employees. Topics may include, but are not limited to, the following:

- Business Writing
- Change Management
- Communication
- Customer Service
- Diversity Awareness
- Interviewing
- Listening
- Negotiating
- Team Building
- Using the Myers-Briggs Type Indicator for Team Building
- Workplace Violence

Sessions may also be provided to whole divisions or work units upon request as specific training needs are identified.

1. Procedure

Registration occurs on a first-come, first-served basis so it is important for employees to act quickly upon notification if they are interested in attending a class. All training registrations should be sent to: VDSS Employee Development Training Registration, DHRM, Home Office, Richmond, VA 23219. Confirmations or denials will be sent within two weeks of receipt via e-mail. Directions and hotel listings will be sent to the participants with the confirmations.

2. Training Requests

An employee who is seeking training on a specific topic may consult with the Training Manager to determine whether DHRM can meet their needs adequately. If it is determined that other employees are interested in this topic, DHRM will coordinate the training session and notify all employees about the session. Interested employees should follow the registration procedures listed above.

Supervisors who identify specific training needs for their unit may complete a Training Request Form to request the needed training. All details on the Form must be completed and the Form should be sent to: **VDSS Employee Development Training Request, DHRM, Home Office, Richmond, VA 23219.**

3. Notification

DHRM training schedules will be published on the DHRM intranet site (TBD). Training sessions are currently announced to employees via e-mail. Attached to the notification is a Training Registration Form.

4. Attendance Policy

Occasionally, it is necessary for an employee to cancel their participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:

- If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that the employee is ill;
- Provide a substitute participant; or
- Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via e-mail and the appropriate consequences are discussed.

5. Training Records

Training attendance records are maintained in DHRM for a minimum number of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor



Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

#### **2.22.2.4 Supervisory Development Training**

This week-long training session is intended for front-line supervisors; however, the Commissioner made this session mandatory for all mid-level managers and supervisors to attend. The topics covered in this session include, but are not limited to, the following:

- Team Building
- Using the Myers-Briggs Type Indicator to Improve Communication
- 360-Degree Feedback
- Valuing Differences, Maximizing Talent: Diversity
- The Hiring Process
- Compensation and Classification
- Employee Relations
- Benefits Review
- Doing the Right Thing: A Guide to Internal Control
- Coaching and Counseling
- Preventing Workplace Harassment
- Leadership Challenges

##### **1. Procedure**

Three or four sessions are held off-site in Richmond each year for five consecutive days. Notifications are sent via e-mail to supervisors, managers and executive team leaders. Registrations are taken on a first-come, first-served basis. All training registrations should be sent to: **VDSS Supervisory Development Training Registration, DHRM, Home Office, Richmond, VA 23219.**

Confirmations or denials will be sent within two weeks of receipt via E-mail. Directions and a hotel listing will be sent to confirmed participants.

2. Notification

Notification is sent via e-mail to supervisors, managers, and executive team leaders. Registrations are taken on a first-come, first-served basis.

3. Attendance Policy

Occasionally, it is necessary for an employee to cancel her/his participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:

- If an employee is sick, she/he must call the trainer/site prior to the session and leave a message that she/he is ill;
- Provide a substitute participant; or
- Reimburse the Division of Human Resource Management for the absence. Reimbursement costs will be determined by the market rate for the specific training session.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via E-mail and the appropriate consequences are discussed.

4. Training Records

Training attendance records are maintained in DHRM for a minimum number of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

**2.22.2.5 Management Development Training**

Mid-level managers have the opportunity to attend a management training session facilitated by Virginia Commonwealth University's Center for Public Policy. The DHRM and the Commonwealth Management Association (CMA) sponsor this course called the Commonwealth Management Institute (CMI). All mid-level managers are encouraged to attend. The following topics listed are usually included in CMI.

- Leading During Changing Times
- Cooperation and Conflict: Executive/Legislative Relations in the New Dominion
- Communicating for Results in Government
- Management Assessment Experience
- Communication Case Studies
- Facilitation Skills for Managers
- Managing and Resolving Conflict
- Creative Thinking
- Personal Action Planning
- Strategic Model for State Government Communication
- Stress Busters

1. Procedure  
Mid-level managers with VDSS are eligible to participate in the Commonwealth Management Institute. Mid-level managers who would like to attend this course may send their memo of interest to: **VDSS Management Development, DHRM, Home Office, Richmond, VA 23219**. The training manager will send you the CMI application. The application must be completed and sent to VCU with a letter of nomination signed by the Commissioner or Executive Division Director/Deputy Commissioner. VCU's Center for Public Policy will determine admittance into the program based on management level and experience.
2. Notification  
Mid-level managers are notified via e-mail about the Commonwealth Management Institute session dates.
3. Attendance Policy  
Occasionally, it is necessary for an employee to cancel their participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:
  - If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that the employee is ill;
  - Provide a substitute participant; or
  - Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session; CMI generally costs about \$750 per person.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via e-mail and the appropriate consequences are discussed.
4. Training Records  
Training attendance records are maintained at the Virginia Commonwealth University's Center for Public Policy. A comprehensive listing of all managers who have attended CMI will be maintained in DHRM indefinitely.

#### ***2.22.2.6 Executive Development Training***

The VDSS Executive Team Leaders are encouraged to attend the Virginia Executive Institute (VEI). VEI is a two-week session split between two months. Participants are expected to participate in external group meetings held with other participants during the interim. Executive-level topics on strategic planning, communication, leadership, etc., are included.

1. Procedure  
Current executive-level managers are eligible to participate in the Virginia Executive Institute. Other executive-level managers who would like to attend the course should send their notice of interest to: **VDSS Executive Training, DHRM, Home Office, Richmond, VA 23219**. Upon receipt of your

notification of interest, the training manager will send the official VEI application. The application must be completed and sent to VCU with a letter of nomination signed by the Commissioner. VCU's Center for Public Policy will determine admittance into the program based on management level and experience.

2. Notification

Executive-level managers are notified via e-mail about the Virginia Executive Institute session dates.

3. Attendance Policy

Occasionally, it is necessary for an employee to cancel the employee's participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:

- If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that the employee is ill;
- Provide a substitute participant; or
- Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session; VEI generally costs about \$1250 per person.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via e-mail and the appropriate consequences are discussed.

4. Training Records

Training attendance records for VEI are maintained by Virginia Commonwealth University's Center for Public Policy. A comprehensive listing of all executives who have successfully completed VEI will be maintained in DHRM indefinitely.

**2.22.2.7 Human Resource Management Training**

The Generalists in the DHRM provide training to state and local supervisors and employees on human resource topics. These topics include the following:

- Administering the Local HR Policies
- Administrative Manual Overview
- Benefits Overview
- Benefits Update
- Coaching and Counseling
- Compensation and Classification
- Conflict Resolutions Skills
- Developing the Employee Work Profile
- Employee Relations Overview
- Grievance Procedure
- Interviewing for Your Next Position
- Mediation

- Recruitment and Selection
1. Procedure  
State and local supervisors who wish to schedule training on a human resource topic may complete the Training Request Form and forward it to: **VDSS Training Request, DHRM, Home office, Richmond, VA 23219**. Upon receipt, the training manager will contact the requestor to discuss the request and schedule some possible dates for training.
  2. Notification  
Notification for human resource management training is handled through the division director, manager, or supervisor.
  3. Attendance Policy  
Occasionally, it is necessary for an employee to cancel the employee's participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:
    - If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that the employee is ill;
    - Provide a substitute participant; or
    - Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session.The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via E-mail and the appropriate consequences are discussed.
  4. Training Records  
Training attendance records are maintained in DHRM for a minimum number of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

#### **2.22.2.8 Vendor-provided Training**

Occasionally it may be necessary to use vendors to provide specialty training. The DHRM must use internal vendors with existing contracts through the Virginia Department of Human Resource Management (VDHRM), or another state agency, whenever possible. If an external vendor is needed, the Commissioner and/or the Director of General Services must approve ALL contracts prior to committing any training funds.

1. Procedure

Training topics that are not available through the current talent at VDSS will be sought elsewhere. The primary source for external training is through the Department of Human Resource Management or other state agencies (including community colleges, colleges, universities, etc.). Supervisors and managers must complete the Training Request Form and send it to: **VDSS Training Request, DHRM, Home Office, Richmond, VA 23219.**

2. Notification

Notification of the training will be handled through the supervisors and managers who request training for their group. All other notifications will be communicated through e-mail.

3. Attendance Policy

Occasionally, it is necessary for an employee to cancel their participation in training. Confirmed participants who cannot attend a training session **MUST** do one of the following:

- If an employee is sick, the employee must call the trainer/site prior to the session and leave a message that the employee is ill;
- Provide a substitute participant; or
- Reimburse the DHRM for the absence. Reimbursement costs will be determined by the market rate for the specific training session.

The attendance policy is intended as an incentive for supervisors to allow employees the time to attend the training that was originally approved. The supervisors of confirmed participants who do not attend training are contacted via e-mail and the appropriate consequences are discussed.

4. Training Records

Training attendance records are maintained in DHRM for a minimum number of three years. DHRM tracks the records by class name, date, employee name, and Social Security Number. If an employee does not feel comfortable using their Social Security Number and wants DHRM to track the employee's training history, an alternate number issued by the Department of Motor Vehicles may be used. Employees should keep a separate record of their training history for reference and verification.

#### **2.22.3 Organizational Development and Consulting**

State and local managers may approach the DHRM to request assistance with organizational development (including team building, changing the structure of teams, streamlining functions, unit problem-solving, etc.). At that time, a private consultation meeting is scheduled. Each request is handled confidentially. If necessary, each situation

is investigated thoroughly and possible solutions are researched. At a predetermined time, the options are presented to the manager.

## 2.23 TUITION REIMBURSEMENT

### APPLICATION:

All full-time classified, state Department of Social Services' employees who have successfully completed a probationary period are eligible to participate.

### PURPOSE:

To encourage employees to continue their career development.

### AUTHORITY, INTERPRETATION, AND REVISION:

The Tuition Assistance and Reimbursement Program Policy and Procedures (HR-T/D-1) were revised August 1, 2002. This SOP supercedes the SOP dated August 1, 1997. The Virginia Department of Social Services' (VDSS) Director of the Division of Human Resource Management (DHRM), or designee, is responsible for the agency's interpretation of this procedure and its revision or rescission.

#### 2.23.1.1 *Scope*

It is the policy of the VDSS to encourage self-development among Department employees. This is supported through the VDSS' Employee Tuition Assistance and Reimbursement Program, which features a reimbursement provision for employee-initiated, satisfactorily completed, approved college-credit courses.

#### 2.23.1.2 *Definition of Terms*

- **Reimbursable Expenses**  
College-credit tuition fees and laboratory fees are reimbursable. Parking fees, textbooks, supplies and transportation are not reimbursable through this Program. **(Please Note: Agency-initiated courses required for the employee's position are reimbursed through the employee's division budget.)**
- **Employee Eligibility**  
All VDSS staff who are full-time, classified state employees at the time the Requests for Tuition Assistance and Reimbursement (Both Part I and Part II) are filed and who have successfully completed their initial probationary employment period are eligible. **However, employees are expected to stay with the Department for six months from the end date of their classes, or will be asked to refund the tuition reimbursement upon their resignation.**

**The Tuition Assistance and Reimbursement Program is designed for employees who are expected to continue in agency-service for a minimum of six months after course completion (as indicated by the end date on the request form) to justify such assistance.** Employees who have been reimbursed for tuition and then decide to terminate employment before six months, will be required to repay the tuition. **(For example: The class end date is July 15. The Employee must stay employed at VDSS through January 15, or will be required to repay the tuition reimbursement.)** The Division of Human Resource Management will work closely with the Division of Finance to track participants of this Program and



any employee-initiated separations. Employment terminations prior to the six months would be repaid through payroll deduction and/or personal refunds.

Employee eligibility is non-discriminatory and uniformly administered.

- **Course Eligibility**  
All college-credit educational work administered by an accredited college, university, or other educational institution is available for this Program.

The course must meet one or more of the following criteria:

- Relate to current job duties or reasonable career promotions;
- Provide new knowledge and/or skills to enhance job performance and/or support the agency mission;
- Be required for a job-related professional certification or license;
- Enhance the agency's ability to respond to current and future needs; or
- Support the documented "Employee Development Plan" section of the employee's Employee Work Profile (EWP).

Excluded are workshops and seminar instructional units.

This Program is for employee-initiated courses. **Agency-initiated courses that are mandatory for the employee's position will be reimbursed through the employee's division budget.**

### **2.23.2 Policy**

- The Tuition Assistance and Reimbursement Program is a privilege and is limited to available funds each fiscal year, beginning July 1. Eligible employees may request tuition assistance for the following:
  - \$600 or less per undergraduate class
  - \$1000 or less per graduate class
  - One class per school term; and
  - No more than three courses per fiscal year (July 1-June 30)

This revised policy is effective for courses beginning August 1, 2002 or later.

- **Required Pre-Approval** – Requests for Tuition Assistance and Reimbursement must be approved BEFORE the employee starts a course and before the implementation of any work schedule changes.

Employees must seek pre-approval by completing Part I of the [Request for Tuition Assistance and Reimbursement Form](#), having it approved by their Division Director, and submitting the Form, with a written statement describing how the course/degree/certificate/program will benefit the agency and the Commonwealth, to the Division of Human Resource Management.

- Institutions – Accredited colleges and universities, community colleges, business and secretarial schools, and vocational technical schools may administer the college credit courses taken.
- Reimbursement will be made for approved courses which meet eligibility criteria, and are supported by a completed [Request for Tuition Assistance and Reimbursement Form](#), a written memo describing how the course/degree/certificate/program will benefit the agency and the Commonwealth, a copy of the grade report indicating a grade of “C” or better (or “pass” for pass/fail courses), an itemized course statement from the institution showing a zero dollar balance, as well as proof of payment with all original receipts, or as follows:
  - If Paid by Check: Front and back copy of the CANCELLED check
  - If Paid by Credit Card: Original credit card receipt (including internet credit card receipts), OR COPY of the credit card statement including your name and address information.
  - If Paid by Student Loan/Credit Program: Statement from the institution indicating that the loan monies were used to pay for this course, and that no additional funds are owed to the institution for the course.

There will be no reimbursement of expenses for a dropped course. However, employees must inform HRM in writing as soon as possible, if the course selection is changed, if the course has been dropped or cancelled, or if there are any other changes from the original course selection. If the employee does not notify HRM in writing of the course change prior to the [Request for Tuition Reimbursement \(Part II\)](#), the reimbursement will be forfeited.

Audited courses may not be reimbursed.

- Other Financial Assistance – Employees who are eligible for financial aid from other sources must first exhaust those sources before applying for assistance under the Department’s Tuition Assistance and Reimbursement Program. Other sources may include, but are not limited to, veteran’s benefits (GI Bill, VEAP, Vocational Rehabilitation for Disabled Veterans, Dependency and Indemnity Compensation, Virginia War Orphans Education Program), and scholarships. Tuition payments through this Program are limited to those tuition costs not covered by the other source(s).
- Timeline – After course completion, participants must submit their complete reimbursement request, including all required receipts and documents, within 30 calendar days of course completion, or the reimbursement will be forfeited. However, ALL end-of-year Part II reimbursement requests MUST be submitted by June 1 to meet the end-of-year budget requirements, or the reimbursement will be forfeited. For classes that end too close to or soon after June 1, employees will need to justify their inability to meet the deadline, and in these instances, approval for reimbursement will be made on an individual basis.
- Work Obligations – Participants in this Program must stay employed with the agency for at least six months from the end date of the course, or repay the cost of the course(s).

- If a participant voluntarily separates from the agency within six months of completing a Program course, HRM will work with the employee and the Payroll Office to be sure the reimbursement is refunded.
- An employee who is involuntarily separated from employment with this agency would NOT be required to repay the Program course costs (i.e. layoff, workforce reduction).
- Fair Labor Standards Act (FLSA) Implications – For non-exempt employees who are covered by the overtime provisions of the Fair Labor Standards Act, time spent in educational courses during regular work hours is considered hours of work for computing any overtime liability.

Education time outside of normal work hours is NOT considered hours of work for computing overtime if:

- The employee's attendance is employee-initiated, AND
  - The employee performs no productive work during such attendance
- Work Hours – if the class occurs AFTER normal work hours, and attendance in the class will not affect the employee's normal work hours, the employee's schedule will not need to be adjusted.

If the class occurs DURING normal work hours, the supervisor may approve of, or deny, the time to attend the course. If approved, employees may be required to adjust their work hours to fulfill their normal work hours per week during the time when they are attending an approved class.

Adjusting an employee's work hours may include reducing an employee's work schedule. However, a classified employee's work schedule may not be reduced below 50% of a normal 40-hour a week work schedule without affecting the employee's health insurance and retirement benefits.

Employees may use their annual, compensatory, overtime, or family and personal leave to attend approved courses. However, ALL leave (except sick leave) must be pre-approved by the supervisor.

- Educational Leave – Employees may be provided educational leave with full or partial pay, or unpaid educational leave under Policy 4.15, Educational Leave.
  - Educational leave with full pay, taken for 14 or fewer consecutive days, or taken on an intermittent basis, should be recorded on leave forms as "Educational Leave Taken" (ET).
  - Educational leave with full pay for periods exceeding 14 consecutive days, or educational leave with partial pay or without pay for any period of time, should be recorded in the Personnel Management Information System (PMIS)

as Educational Leave with Pay (PSE030) or LWOP – Educational (PSE132). LWOP may affect other employee benefits, such as retirement.

- Tax Responsibilities – According to IRS Publications 15-B, “Employer’s Tax Guide to Fringe Benefits Provided in 2002” and No. 508, “Tax Benefits for Work-Related Education,” employer-provided undergraduate and graduate educational assistance is tax-free up to \$5,250 per year. However, employees are responsible for complying with all applicable tax laws.
- DHRM’s Responsibility – The Division of Human Resource Management is responsible for tracking funds committed to the Tuition Assistance and Reimbursement Program. DHRM will also review all employee separations from VDSS to ensure that all Program participants fulfill their six-month work requirement or, if voluntarily terminating from VDSS, repay their tuition.

### **2.23.3 Procedure**

#### **2.23.3.1 Part I, Request for Tuition Assistance**

The employee must initiate a request for tuition assistance by providing all information requested in Part I of the [Request for Tuition Assistance and Reimbursement Form](#). This Form is available to state DSS employees on the Local Agency Intranet website at <http://www.localagency.dss.state.va.us/divisions/dhrm/>

The employee must complete Part I of the [Tuition Request for Assistance/Reimbursement Form](#) and write a statement describing how the course will benefit the agency or the Commonwealth. The employee’s division director, or designee, will review the request to approve and acknowledge the request, and to confirm the dates and times of the class sessions to negotiate any work schedule adjustments. The employee will then send the Form to the Division of Human Resource Management.

Pre-approval is required before an employee starts a class and before any work schedule adjustments are made.

- Submit the Request – The Director of the DHRM, or designee, will review all Requests for Tuition Assistance and Reimbursement. Requests will be reviewed to ensure eligibility and availability of funds. Funding will be reserved on a first-come, first-served basis.

Acceptance Dates for Requests:

Fall/Winter term requests will be accepted in the DHRM beginning July 15;  
Spring term requests will be accepted beginning November 1;  
Summer term requests will be accepted beginning March 1.

- Form Returned to Employee – The Form, indicating an approved or denied request for tuition assistance, and signed by the DHRM Director, or designee, will be returned to the employee.

Approval will serve as authorization for reimbursement of the requested course. The employee may now register for the class. The employee is responsible for storing the Form with original signatures; HRM does not keep copies of the initial requests (Part I). HRM will track all requests for committed funds. The employee must save all original receipts.

If the class requested is not available, the employee must notify the DHRM Director in writing of any change in the course selection as soon as possible, but before Part II of the [Tuition Request for Assistance/Reimbursement Form](#) is submitted. If the employee does not notify HRM in writing of the course change in time, the reimbursement will be forfeited.

If the course is denied, the Form will be returned to the employee with the reason for denial. The employee may want more information and is encouraged to call the Tuition Assistance and Reimbursement Program administrator in the DHRM.

- Approvals for tuition assistance will be rendered in order of receipt of the requests. Once all budgeted funds have been committed for approved courses, subsequent requests will be placed on a waiting list in the event that funds become available due to course drops, unsuccessful course completions or other reasons. All outstanding requests will be voided at the end of each fiscal year by June 1, before the fiscal year cut-off. If the course end date falls too close to or soon after June 1, employees will need to justify their inability to meet the deadline, and in these instances, approval for reimbursement will be made on an individual basis.
- Course Completion – The employee completes the course.

#### ***2.23.3.2 Part II, Request for Tuition Reimbursement***

Upon completion of an approved course, Part II of the [Tuition Request for Assistance/Reimbursement Form](#) will be signed by the employee and the division director, or designee, and forwarded to HRM with the following:

1. Copy of the employee's grade report;
2. Original itemized bill (statement from the college/institution showing the name of course, date, cost of the course, a zero dollar balance, etc.);
3. Proof of payment for Tuition and Fees, including the following:
  - Original credit card receipt, including internet credit card receipts; or
  - A copy of the credit card statement including the employee's name and address; or
  - A front and back copy of the cancelled check; or

- A statement from the institution stating that the course was paid for via a student loan or college credit program, showing a zero dollar balance.
4. Completed Request for Taxpayer Identification Form (Copy or Original)
- Approved or denied – The DHRM Director, or designee, will review Part II of the [Tuition Request for Assistance/Reimbursement Form](#) and associated documentation.
    - If approved, the request and documentation will be forwarded to the Division of Finance to initiate reimbursement. A DHRM representative will contact the employee via electronic mail to let him/her know the status of the request.
    - If disapproved, the [form](#) will be returned to the employee with an explanation of the disapproval.
    - If more information is needed, the employee will be contacted in writing explaining what documents are still needed. The employee must submit the required documents within 30 calendar days of the course end date.
  - Reimbursement – You will receive your reimbursement at your home address within 30 days of DHRM’s approval. See section ‘2.23.3 *Procedure*’. Reimbursement will be repaid if the employee initiates termination from the agency before the six-month requirement period ends.
  - Records – The Division of Human Resource Management will maintain records of committed funds (Part I of the Tuition Assistance and Reimbursement Program) and paid funds for each employee. Quarterly status reports will be available upon request.

DHRM will review all employee separations to ensure that Program participants fulfill their six-month work requirements from the course end date. Employee-initiated separations prior to the six months will require the employee to pay back their reimbursement. DHRM will route the employee separation checklist to the Tuition Assistance and Reimbursement Program Administrator for final review and action. The Program Administrator will work with the Division of Finance and the terminated employee to repay the tuition, if necessary.

## **2.24 WAGE EMPLOYEES**

### **APPLICATION:**

Wage employees (P-14 authorization).

### **PURPOSE:**

Establishes guidelines for removal of wage employees and to ensure that the Virginia Department of Social Services' (VDSS) policy of Equal Employment Opportunity extends to hourly employees.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the VDSS is authorized by the Commissioner and supercedes VDSS' SOP 22, dated November 1, 1988.

The interpretation of this SOP is the responsibility of the Director of the Division of Human Resource Management (DHRM), or designee.

#### **2.24.1 Termination of disciplinary action**

1. Prior to any removal of a wage employee (P-14 authorization), the employee shall be given written notice of the offense, an explanation of the agency's evidence in support of the charge, and a reasonable opportunity to respond (usually five workdays).

#### **Exception**

An hourly employee may be immediately sent away from the work area when the employee's continued presence may be a threat to the welfare of the agency or fellow employees.

In such cases, the employee shall be given notice of the charges and an explanation of the agency's evidence as soon as possible thereafter and shall be given a reasonable opportunity to respond prior to being removed.

This same exception would apply to a wage employee when the reason for removal is that the work need has been met.

Under no circumstances will a wage employee be paid for any time they have not worked due to provisions of this policy.

2. At the same time the employee is notified of the intent of removal, a copy of the same information required by this policy to be provided to the employee will be sent to the Employee Relations Manager in the VDSS/DHRM.
3. If the employee does not respond within the specified time limit, the employee's right to appeal through this policy is lost, and the removal action will take place. If the employee does respond within the required time limit, a copy of that response must be immediately forwarded to the Employee Relations Manager in the

VDSS/DHRM. Upon receipt of the employee's response, the Employee Relations Manager or designee will review all facts in the matter. Generally, this review will follow the philosophy of the Standards of Conduct policy, which applied, to classified employees.

4. Upon completion of the review, the Employee Relations Manager or designee will issue a written recommendation to the employer. Both parties will be advised of their right to appeal the recommendation to the Commissioner in writing within five (5) workdays.
5. Upon receipt of the appeal, the Commissioner at his/her discretion may or may not review the matter. A decision at the Commissioner's level is final and cannot be appealed.
6. A wage (P-14) employee who claims that termination or other disciplinary action was based on race, color, religion, national origin, political affiliation, sex, age, or disability, may file a discrimination complaint with the Office of Equal Employment Services in the Virginia Department of Human Resource Management (VDHRM) or other agencies as appropriate.